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PUBLICATIONS

OF THE

MISSISSIPPI HISTORICAL SOCIETY

Centenary Series—Volume 1

~~U.S. Hist.~~
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PUBLICATIONS

OF THE

MISSISSIPPI HISTORICAL SOCIETY

EDITED BY

DUNBAR ROWLAND, LL. D.

Secretary

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INTRODUCTORY NOTE

With this volume a new series of the publications of the Mississippi Historical Society begins. The first fourteen volumes were issued under the faithful and efficient editorship of Dr. Franklin L. Riley. Since the distribution of Volume XIV., Dr. Riley has gone to another field of labor in the chair of History of Washington and Lee University.

The future numbers of these publications will be issued under the editorial supervision of the Director of the Mississippi Department of Archives and History. While it will be the policy of the editor to continue the publication of monographs concerning Mississippi history, there will in future be more space given to the presentation of archive and manuscript material, as under new conditions such historical sources are more available now than formerly. The publication of source material will in no way conflict with the work of publishing documentary history by the Department of Archives and History, as an entirely different field will be cultivated.

The volumes published under my editorship will be known as the Centenary Series in commemoration of the one-hundredth anniversary of Mississippi's admission into the Union, in 1817. This is the initial volume of the series.

To be enabled to begin the new series with an offering of such unusual size and excellence is gratifying; at the same time, it fixes a standard for future numbers hard to attain. Two of the contributions to this volume are of sufficient extent and importance to be published in separate form and their distinguished and scholarly authors have been requested to issue editions in that way. The contributions to which reference is made were written by two Confederate soldiers, who have shown to the present generation that the accomplishments of the scholar frequently accompany the heroism of the soldier, and that they use the pen as effectively as they did the sword. The paper on the population of Mississippi as a colony of England and Spain is a serious and valuable contribution to the history of the State; that on one of the Mississippi pioneers, and another by the same author on early roads and localities, are valued monographs from a very careful investigator in local history. The paper on one of Mississippi's companies in the Spanish-American War, is the first published by the Society on that subject. The presentation of the Mississippi State Song, adopted by the Department of Archives and History, is an earnest effort by the author to inspire a feeling of pride and patriotism among the people.

DUNBAR ROWLAND.

Jackson, Mississippi, June 15, 1916.

FROM ORGANIZATION TO OVERTHROW OF MISSISSIPPI'S PROVISIONAL GOVERNMENT.

1865—1868.

By J. S. McNeily.

Under the proclamation of President Johnson, May 29th, 1865, an election was held for delegates to a constitutional convention which assembled August 14th. It was called to order by Provisional Governor Wm. L. Sharkey, a distinguished citizen and eminent jurist, who had been appointed by the President. The convention, after promptly embodying in the organic law of the state the requirements prescribed, the formal recognition of the emancipation of the slaves, the repudiation of the war debts and obligations, etc., provided for the election of a Governor and other state officers, members of the legislature and congressmen.

As reflections of the spirit of the times, of the evil seeds of proscription that were germinating in the North, two incidents of the convention are noted. Upon the assembling of the convention President Johnson wrote a letter of counsel, which is quoted from:

"If you could extend the elective franchise to all persons of color who can read the constitution of the United States in English, and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon, you would completely disarm the adversary, and set an example the other states will follow. This you can do with perfect safety, and you thus place the Southern states in reference to free persons of color, upon the same basis with the free states. I hope and trust your convention will do this, and, as a consequence, the radicals, who are wild upon negro franchise, will be completely foiled in their attempt to keep Southern states from renewing their relations with the union by not accepting their senators and representatives."

The convention having concluded its session and adjourned, President Johnson, without noting the failure to comply with his request, communicated his approval of what it had done in paving the way for "the readmission" of the states into the Union. On receiving from Governor Sharkey a copy of the work of the convention Secretary of State Seward wrote in reply that it would engage the early attention of the President.

A Washington press despatch of September 11th stated that the cabinet was earnestly considering the amended Mississippi constitution. Subsequently the following appeared in the Vicksburg *Herald:*

"The Louisville *Democrat* is responsible for the statement that the following letters actually passed between the parties, whose names are subscribed to them. The *Democrat,* referring to them, says: "This is the actual fact. Recently Mr. Seward forwarded to Governor Andrew, of Massachusetts, a copy of the Mississippi constitution for his approval. The latter turned it over to Willam Lloyd Garrison for his opinion."

State Department,
Washington, Sept. 4.

To His Excellency John A. Andrew, Governor of the State of Massachusetts:

Sir—I have the honor to inclose the within constitution of Mississippi, and beg to know if it is satisfactory to your state, which, being the only "anti-slavery" state when the Union was formed, has, of course, the right to decide on the new constitution which the wisdom, virtue and valor of your state have forced the less enlightened state of Mississippi to adopt.

With great respect,

W. H. Seward.

Gov. Andrew's Reply.

Executive Department,
Boston, Mass., Sept. 6.

Wm. L. Garrison, Esq.:

Sir—As you started the grand "anti-slavery enterprise," thirty years ago, and, even more than John Brown or Abraham Lincoln, are its prophet and embodiment, and, as the secretary of state is waiting to reply to the governor of Mississippi in regard to the new constitution of that state, I beg you will examine the enclosed, and reject or ratify it at your earliest convenience.

Yours, &c.,

JOHN A. ANDREW,
Governor of Massachusetts.

Mr. Garrison's Reply.

BOSTON, Sept 7.

HIS EXCELLENCY GOVERNOR J. A. ANDREW:

SIR—I have carefully examined the within constitution of Mississippi, and, though it does not fully embody my "ideas," it is best perhaps not to "crowd the mourners," just now, and therefore I consent to ratify it, with the confident assurance that the "Freedmen's Bureau" will prepare the negroes for amalgamation and extermination, and thus close up the great work forever.

Yours, &c.,

WM. L. GARRISON.

Fortunately, indeed, the "less enlightened state of Mississippi," proved even less amenable to "exterminating the negroes" by amalgamating them, than the state of Garrison and Andrew. A State election, held October 2nd, in pursuance of an ordinance of the Constitutional Convention, passed off without disturbing incidents, and resulted as follows. For governor: Humphreys 19,027, Fisher 15,648, Patton 10,519. In some counties represented by companies in his old brigade, the vote for Humphreys was practically solid. While this testified to his popularity with the soldier vote, the general result indicated the strength of the feeling of the unpolicy of the election of a soldier candidate—even one who had been pronounced in opposition of secession. The plea of expediency was only beaten by division of its supporters between two candidates without war records. Their defeat was the exception to the rule throughout the South of placating Northern temper, by placing at the heads of the new governments men who had "smelled the battle from afar off." But the soldier element did not yield readily. In South Carolina Gen. Wade Hampton came within 500 votes of election, in spite of his refusal to become a candidate, and his appeal to the people not to vote for him.

Col. C. E. Hooker, a one-armed Confederate soldier, who had canvassed the state upon the pending issues, was elected attorney general over Richard Cooper. The following were chosen to congress:

1st District—A. E. Reynolds, of Tishimingo.
2d District—R. A. Pinson, of Pontotoc.
3d District—Jas. T. Harrison, of Lowndes.
4th District—A. M. West, of Holmes.
5th District—E. G. Peyton, of Copiah.

Gov. B. G. Humphreys was a native of Claiborne county and a cotton planter. He was a cadet at West Point when Jefferson Davis and Robert E. Lee were there, though he did not graduate from the famous military college. In politics he was a Whig and had represented his county in both branches of the legislature. When the war broke out he was living on his plantation in Sunflower county, where he raised a company which he led to Richmond. It was incorporated in the 21st Mississippi infantry regiment of which he was made colonel. Upon the death of Brigadier General Barksdale at Gettysburg he was promoted to the vacancy so created. His service in the army of Virginia was continuous, arduous and most honorable until September, 1864, when he was retired from active command in the field by a severe wound received at the battle at Berryville, in the Valley campaign. No one of his rank was more trusted by his superior officers or more beloved by all who served under him. His courage, which never quailed in battle, was perfectly tempered by self control and resolute composure that fitted him admirably for command. The same gifts of temperament, joined with inflexible integrity and patriotic devotion to his state, rarely qualified him for the duties and labors of the exceedingly delicate and difficult position he was called to occupy. It was the singular fortune of the state to have three Governors during the year 1865—Clark, Sharkey and Humphreys—each of whom was alike distinguished for absolute integrity, indomitable courage, conservative temperament, mature judgment and unswerving justice. A few days after the election of the latter, on October 11th, President Johnson, in an executive order, directed the return of Gov. Charles Clark and others of the proscribed class from prison on parole; to appear at such time and place the President may designate, to answer any charge that may be preferred against them.

The events of the three crucial years of Mississippi's provisional government, comprises the subject of this historic sketch. To the end of clear and coherent understanding, it is correlated and interwoven with contemporary relevant acts of national legislation, and executive orders and proclamations. The following quoted from the chief text book of radicalism explains a main motive in undertaking this task: "The importance of the national struggle of 1866," says the distinguished Republican and leader in congress, Jas. G. Blaine, in his Twenty Years in Congress, "cannot be overestimated. It has probably been underestimated. If the contest had ended in a victory for the Democrats the history of the succeeding years would in all probability have been radically different." This is a true but a very feeble statement of the supreme and far-reaching consequences of the issues decided in the election of 1866. A "Democratic victory" would indeed have been "radically different." It would have been attended by a constitutional instead of a vengeful and revolutionary reconstruction. The egg of negro suffrage, that hatched a brood of curses which still hovers over the land, would never have been laid. The South would have been spared the years of ruinous internal strife and impoverishment, the hate and humiliation engendered by base and rascally rule; the North would have escaped the stain of responsibility for a shameful and vindictive policy, whose poisonous fruitage is never ending; and the Union the harvest of the disturbing issues that dominated and influenced the national counsels for more than a score of years. The crime of evil days is measured by the fact that since Blaine and his fellow reconstruction anarchists have passed away none have had the heart or the hardihood to defend it. In a recent address a professor of the University of Pittsburg, a hotbed of Republicanism, thus affirmed this view of the Republican victory of 1866: "There is no solution for the problem; but time and the repairing or ignoring of the disastrous blunder of Reconstruction, recognized now as frankly North as South, may help."

It is the vast "importance," historically, of the result of the election of 1866 as it was written into the laws and lives of the people, that has enlisted the time and labor given to this narrative of events of a troubled and fateful era. The enlistment has been inspired as a duty, morally compelled, indeed, by the writings of authors prejudicial to the South and with the motive of shielding the North from the just judgment of posterity. Their historic perversions, so deeply injurious to the records and the reputation of Southern people of the past, have met with too little circumstantial refutation. For that, they were too deeply submerged in the slough of defeat and despondency; too absorbed in saving what they could of the war's wreckage; of adjusting themselves and their affairs to a social and economic as well as a political revolution, which called for a struggle to keep off the wolf. Correction of record and vindication of reputation has been undertaken by one who lived under and bore a share in contending against the reconstruction, negro suffrage, evils, as a solemn duty. Under such inspiration the contents of this sketch of state and Southern history have been gleaned from the chronicles of the period, with the corroboration of personal memory of events, with scrupulous regard for truth.

The legislature met October 16th, and organized by electing Gen. S. J. Gholson, of Monroe county, speaker of the house, and Col. John M. Simonton, of Itawamba, president of the senate. Preceding the inauguration of Governor-elect Humphreys, the two houses in joint convention were addressed briefly by Provisional Governor Sharkey. As published in the Journal "he alluded to the distracted condition of the state; how that the work of recognition fell to his lot and how distrustful he was of his abilities in assuming the great responsibilities thus devolved upon him. He had done the best he could—had labored faithfully to bring order out of chaos and, notwithstanding the embarrassments which had crowded around him from every possible direction, he felt that he was in some degree successful. He was proud to say that Mississippi had taken the lead in the work of reconstruction, and that without any lights for her guidance she had set an example for her sister states that is being deemed worthy of emulation and with the most beneficial results to the South. And now when Gov. Humphreys, who was the choice of the people, was installed into office, his functions as Provisional Governor would cease; and he was happy to say that Mississippi would then have a full civil government in operation. * * * He alluded to the very ardent and earnest manner in which he had been encouraged and sustained by the President and expressed the hope that through wise and judicious legislation, negro garrisons and other evidences of military rule would soon be removed from the state."

After Provisional Governor Sharkey's brief and deeply impressive address, his successor, Governor Humphreys, delivered his inaugural. As a faithful reflection of the state's conditions and environments, the following is quoted from the first post bellum executive address to a Southern legislature:

"The South having ventured all on the arbitrament of the sword, has lost all save honor; and now accepts the result in good faith. It is our duty to address ourselves to the promotion of peace and order—to the restoration of law, the faith of the constitution, and the stability and prosperity of the Union; to cultivate amicable relations with our sister states, and establish our agricultural and commercial prosperity upon more durable foundations—trusting that the lessons taught by the rebellion will not be lost either to the North or the South—that freemen, once enlightened, will not submit to wrong or injustice—that sectional aggression will meet with sectional resistance, and that the price of political perfidy is blood and carnage.

The state of Mississippi has already under the pressure of the result of the war, by her own solemn act, abolished slavery. It would be hypocritical and unprofitable to attempt to persuade the world that she has done so willingly. It is due, however, to her honor, to show by her future course that she has done so in good faith, and that slavery shall never again exist within her borders, under whatsoever name or guise it may be attempted. The sudden emancipation of her slaves has devolved upon her the highest responsibilities and duties. Several hundred thousand of the negro race, unfitted for political equality with the white race, have been turned loose upon society; and in the guardianship she may assume over this race, she must deal justly with them, and protect them in all their rights of person and property. The highest degree of elevation in the scale of civilization to which they are capable, morally and intellectually, must be secured to them by their education and religious training. But they cannot be admitted to political or social equality with the white race. It is due to ourselves, to the white emigrant invited to our shores, and—it should never be forgotten—to maintain the fact that ours is and shall ever be a government of white men. The purity and progress of both races require that caste must be maintained; and intermarriage between the races be forbidden. Miscegenation must be the work and taste of other climes and other "people."

To work, is the law of God; and is the only certain protection against the pauperism and crimes of both races. The negro is peculiarly adapted to the cultivation of the great staples of the South. He should be encouraged to engage at once in their production by assurances of protection against the avarice, cupidity and injustice of his employer. He is free to choose his labor, and to make his own bargain. But he should be required to choose some employment that will ensure the maintenance of himself and family. On the other hand, the employer must be assured that the labor contracted for will be specifically performed. The cultivation of the great staples of the South require continuous labor from January to January. The planter cannot venture upon their cultivation unless the laborer is compelled to comply with his contract; remaining and performing his proper amount of labor, day after day, and week after week, through the whole year; and if he attempts to escape he should be returned to his employer, and forced to work until the time for which he has contracted has expired. By such a system of labor, the welfare and happiness of the African may be secured, the agricultural and commercial prosperity of the state sustained, and our homes again become the abode of plenty.

From a long retirement to private life, and absence from the state for the last four years, I am ignorant of much of her legislative history, and feel incompetent to advise farther as to the proper domestic policy rendered necessary by the altered, distracted, and desolated condition of the people. To you, gentlemen, is wisely and safely entrusted this important duty. Invoking the blessings of Almighty God upon your labors, I can only pledge you my cordial co-operation in the effort to restore and advance the welfare and happiness of the people of Mississippi."

While honest and candid, after the manner of the man, this message was not diplomatic. Prudence might have suggested a different phraseology—words more pleasing to the ear of the implacables of the North. But its notes ring true to the unquailing manhood of a people who, though conquered, impoverished and oppressed, would not play the part of the time server or fawn for favor. It sums up the truth of the race problem as known to an hereditary slaveholder; one noted for humanity and kindness towards his slaves.

Provisional Governor Sharkey promptly informed Secretary of State Seward that "Benjamin G. Humphreys has been duly installed into office—that the constitutional government is now complete and the legislature is in session." Receipt of this letter, dated October 19th, was acknowledged November 3d, by Mr. Seward, who instructed Governor Sharkey that "it is the expectation of the President that you will continue your functions as provisional governor until further notice from this department." Like notice was communicated to the provisional executives of other states—for some cause the president hesitated in effecting his plan of reconstruction, and decided to hold on to the provisional arrangement. He had communicated to Governor Sharkey instead of Governor Humphreys on November 1st, stating it was "all important that the legislature should adopt the amendment to the constitution of the United States abolishing slavery. The action of the legislature of Mississippi is looked to with great interest at this time, and a failure to adopt the amendment will create the belief that the action of the convention abolishing slavery will hereafter, by the same body, be revoked. The argument is, if the convention abolished slavery in good faith, why should the legislature hesitate to make it a part of the constitution of the

United States. I trust in God that the legislature will adopt the amendment, and thereby make the way clear for the admission of senators and representatives to their seats on the present congress." November 17th the President again addressed Governor Sharkey, asking him to "please report from time to time what progress is being made in the restoration of the functions of the state, and make such suggestions as he may deem proper and calculated to accomplish the great work in which he is engaged. * * * Let the amendment to the constitution of the United States abolishing slavery be adopted; let such laws be passed for the protection of freedmen in person and property as justice and equity demand. The admission of negro testimony, they all being free, will be as much for protection of the white man as the colored. I do hope the Southern people will see the position they now occupy and avail themselves of the favorable opportunity of once more resuming all their former relations to the government of the United States and in so doing restore peace, prosperity, happiness and fraternal love. Governor Sharkey will please show this dispatch to B. G. Humphreys, Governor-elect."

After organization the legislature balloted for United States senators, the choice falling on Governor W. L. Sharkey and General Jas. L. Alcorn, of Coahoma county; both acceptable under the new order as Union men, were opposed in 1860 to secession. Changes required for adopting and conforming the government to the new conditions, for raising the state from the prostration of war and the subversion of the industrial order by emancipation, was a heavy tax upon the constructive talent of the legislature. With slave property destroyed, wrecked railroads, and land values only nominal, the question of revenue for carrying on the government was a difficult one. But above all in perplexity, and political and economic importance, was the duty devolved upon the joint select committee on freedmen; "to take into consideration the laws and changes in existing laws for the protection of the person and property of the freedmen." The August convention had appointed a committee of three of its members, Messrs. Hudson, Hemingway and Goode, "to prepare and report to the legislature for its consideration and action, such laws and changes in existing laws, as to said committee may seem expedient in view of the late amendments to the constitution of the state by the convention." The report now laid before the legislature, recited that the committee had been compelled to consider the duty with which it had been charged, "unaided by any state or national precedent." And that "in preparing suitable legislation for two distinct races and classes yet living under one common jurisdiction and dominance, so as to harmonize and promote the interest, prosperity and happiness of both races and the state." * * * they have proceeded rather on their own observation and knowledge of the nature, disposition, habits, capacity, condition, weakness and necessities of the two races as they now exist in our state. * * * than upon a theory or system that might have been wise or judicious under a wholly different state and condition."

The convention committee report with draft of measures recommended for enactment was received and ordered printed. The legislature, however, entrusted the whole subject matter dealt with to the joint select committee above referred to; for drafting "laws and changes in existing laws for protection and security of freedmen and to protect the state from support of minors, vagrants and paupers," etc. The first of the committee series afterwards stigmatized as the "black code" was the creation of county courts, composed of the probate judge, and two justices of the peace to be selected by the justices of the county. The committee reported that "crime, lawlessness and demoralization now prevalent in most localities resulting from the war and consequent on sudden emancipation," called for a more speedy and rigid enforcement of law than the ordinary tribunals afford. Other bills were drawn, for amending the laws of vagrancy, and to regulate the relations of master and apprentice as related to the freedmen. The vagrancy law provided that all freedmen over the age of 18, who were found without lawful employment on the second Monday of January, 1866, should be subject to fine and imprisonment. If the fine was not paid the offender was to be hired out until his wages wiped out the fine. The act contained other provisions, one for a negro pauper fund was provided, to be raised by a poll tax on freedmen of one dollar. The apprentice act placed all negroes under 18 years of age, who were orphans, or without visible means of support, under the disposal of the probate court for apprenticeship, former owners being given preference when deemed suitable or competent persons. Another act of the series prohibited the ownership by freedmen of fire arms and bowie knives. At this time there was much vague talk of negro uprising and a war of races, as the result of incendiary teachings of evil minded men, especially by negro soldiers and some of their officers.

The law of this series of greatest moment was the "act to confer civil rights on the freedmen," and for other purposes. The bill was reported to the house on the 19th day of the session, by the Hon. H. F. Simrall, the member from Wilkinson county, and the leading spirit of the legislature in the adoption of the policy toward the freedmen. The bill was considered for some days and amended in certain particulars on which there was a decided difference of opinion. Pending its enactment a recess resolution was adopted, until the fourth Monday in January. This was followed by a message from Governor Humphreys, November 20th, urging immediate attention to projects of vital importance to the welfare of the state."

"By the sudden emancipation of over three hundred thousand slaves Mississippi," the message recited, "has imposed upon her a problem of vast magnitude, upon the solution of which depends the future prosperity and welfare of ourselves and our children." * * * We must now meet the question as it is and not as we would like to have it. The rule must be justice. The negro is free. * * * We must realize that fact now and forever. To be free, however, does not make him a citizen or entitle him to political or social equality. But the state constitution and justice do entitle him to protection in his person and property." This statement of the principles of the new order led up to a strong argument for the full admissibility of negro testimony "as a measure of domestic policy, whether for the protection of the person or property, or for the protection of society. * * * The question of admitting negro testimony for the protection of their person and property sinks into insignificance by the side of the other great question of guarding them and the state against the evils that may arise from their sudden emancipation. What are the evils that have already arisen, against which we are to guard the negro and the state? The answer is patent to all—vagrancy and pauperism, and their inevitable concomitant, crime and misery, hang like a dark pall over a once prosperous and happy but now desolate land."

"To the guardian care of the Freedmen's Bureau has been intrusted the emancipated slaves. The civil law, and the white man outside of the bureau, has been deprived of all jurisdiction over them. Look around you and see the result. Idleness and vagrancy has become the rule. Our rich and productive fields have been deserted, for the filthy garrets and sickly cellars of our towns and cities. From producers they are converted into consumers, and as winter approaches, their only salvation from starvation and want is Federal rations—plunder and pillage. Four years of cruel war, conducted on principles of vandalism disgraceful to the civilization of the age, were scarcely more blighting and destructive to the homes of the white man, and impoverishing and degrading to the negro, than has resulted in the last six or eight months from the administration of this black incubus. Many of the officers connected with that bureau are gentlemen of honor and integrity, but they seem incapable of protecting the rights and property of the white man against the villainies of the vile and vicious with whom they are associated.

How long this hideous curse, permitted of Heaven, is to be allowed to rule and ruin our unhappy people, I regret it is not in my power to give any assurance, further than can be gathered from the public and private declarations of President Johnson that "the troops will all be withdrawn from Mississippi, when in the opinion of the government the peace and order and civil authority has been restored and can be maintained without them." In this uncertainty as to what will satisfy the government of our loyalty and ability to maintain order and peace and civil government, our duty under the constitution to guard the negro and the state from the evil arising from sudden emancipation, must not be neglected. Our duty to the state, and to the freedmen, seems to me to be clear, and I respectfully recommend. 1st. That negro testimony should be admitted in our courts not only for the protection of the person and property of the freedmen but for the protection of society against the crimes of both races. 2d. That the freedmen be encouraged at once to engage in some pursuit of industry, for the support of his family and the education of his children, by laws assuring him of friendship and protection. Tax the freedman for support of the indigent and helpless freedmen, and then with an iron will and the strong hand of power take hold of the idler and the vagrant and force him to some profitable employment. 3d. Pass a militia law that will enable the militia to protect our people against the insurrection or any possible combination of vicious white men and negroes.

I deem the passage of these measures, before you take a recess, of vital importance.

The "President's declaration" referred to was in reply to a communication from Governor Humphreys, reporting a gross outrage by negro troops at Meridian. In writing of it to the President the Governor said: "The legislature has memorialized for removal of U. S. troops, and seem willing to extend to the freedmen the right to testify in court, if assured the troops would be withdrawn. Members fear that one concession only leads to another. What assurance can I give on the subject."

In submitting the memorial mentioned to the legislature, the committee recited that it was not deemed "inappropriate to express their regret at the unhappy state of things likely to exist by quartering a large number of negro troops upon the people of this state, occupying their houses and public buildings without their consent, and threatening in many localities, as your committee is advised, to produce insurrectionary and domestic violence. That multiplied injuries and wrongs are almost daily inflicted upon the people of this state by officers or soldiers under their charge under the apparent sanction of laws or orders from the military department."

President Johnson's reply to the complaint and request of Governor Humphreys, dated November 15th, is quoted:

B. G. HUMPHREYS:

The troops will be withdrawn from Mississippi when in the opinion of the government the peace and order and the civil authorities have been restored and can be maintained without them. Every step will be taken while they are there to enforce strict discipline and subordination to the civil authorities. There can be no other or greater assurance than has heretofore been on the part of the Federal government. There is no concession required of the legislature, other than a legal compliance with the laws and constitution of the United States and the adoption of such measures giving protection to all freedmen and possession of property without regard to color, as will entitle them to assume their constitutional rights in the federal union. The people of Mississippi may feel well assured that there is no disposition arbitrary on the part of the government to dictate what their action shall be, but on the contrary to simply and kindly advise a policy that is beneficial and will result in restoring all the relations which should exist between the states comprising the federal union. It is hoped that they will feel and appreciate the suggestions herein made, for they are done in that spirit which should pervade the bosom of all who desire peace and harmony and of thorough restoration of the Union. There must be a confidence between government and states which the government confides in the people. The people must have faith in the government. This must be mutual and reciprocal or all that has been done will be thrown away.

ANDREW JOHNSON,
President.

Clamor against the pending race legislation caused President Johnson to order General Thomas to look in on the Mississippi government with discretionary powers to turn out Humphreys and replace Sharkey as provisional governor. After listening to this proposition Governor Sharkey replied to Thomas that under President Johnson's instructions he had reconstructed the state and with his sanction had installed Governor Humphreys, who the people had chosen to that office, and set the machinery of government in motion, and that under no circumstances would he again act as provisional governor. General Thomas suggested that it would place the President right with the Republicans if Governor Sharkey would act in supervision of affairs in Mississippi, while Governor Humphreys could act as nominal governor.

Sharkey told him plainly no; but suggested an interview with Governor Humphreys. The two, with General Woods, the district commander, accordingly called at the executive office, when Governor Sharkey repeated what had passed between him and General Thomas. Governor Humphreys, as unswerving from his sense of duty and self respect as Judge Sharkey, stated that he had no argument to make but would submit to no supervision not required by his oath of office; that he was the only constitutional Governor of Mississippi, unless Governor Clark, then a United States prisoner, was, and that he would play second fiddle to no man. He read letters from Secretary of State Seward in which he and the President recognized him as Governor. This candid and courageous attitude caused a tension which was relieved by General Woods, who suggested to General Thomas that "as it was within his discretion, he delay proceedings further, until the legislature took final action." In this proposition General Thomas concurred and the incident was closed, to the credit of all concerned.

Following the Governor's message, legislative consideration of the act to "confer civil rights upon freedmen," etc., was resumed. This was urged in an address from the joint select committee. In this it was said the negro testimony section of the bill as passed upon, "comes short of meting out the full measure of justice." Its enlargement was urged for the further reason, "to place completely under the jurisdiction of the state and the adjudication of the courts the freedmen, and to romove the pretext for the further continuance of the freedmen's bureau and the troops of the United States among us." This section was enlarged, but not to the extent urged by the Governor. The freedman was made competent as a witness only in cases where a negro was a party to the suit, either as plaintiff or defendant, in civil or criminal proceedings. It is to be conceded that the opposition to full competency of negro testimony was not wholly due to race prejudice. It was held by many that the logical and perhaps the legal effect of such a provision, would be to promote the contention for full race equality. As reported by the select committee the bill passed the house by a vote of 58 to 31, and the senate by 16 to 13.

From causes that are commonly understood, resistance to a more liberal conference of civil rights upon the negro, was chiefly among members from the white counties. By the provisions of this statute, in the acquirement and uses of personal property the negro was given the same rights as the white man. But every freedman was required "to have a lawful home or employment on the second Monday of January, 1866." All labor contracts were required to be in writing, and any laborer quitting before expiration of his term of service without good cause, should forfeit his wages. Such laborer was also made liable to arrest and return to his employer. It was provided that the laborer should have the right of appeal before a peace justice to show good cause for his action. The law was made stringent against enticing laborers away from employers.

Quite as pressing, and almost as perplexing, as the adjustment of the freedmen's status, was the call for legislation for facilitating and tiding over the people in the struggle for recovery from financial prostration and industrial chaos. In dealing with this emergency the legislature, while patriotically inspired, was not wisely steered. Guided by a better tutelage in the school of adversity, Governor Humphreys was several times during the session constrained to interpose the executive veto of measures that sought extrication of the people from the meshes of a hard fate by devious and dubious methods. The first of such devices to encounter the veto was an excessive exemption act; which was vetoed as "retrospective, affecting debts already contracted and the lien judgments already obtained," etc. It was thus declared "in violation of that clause of the constitution which forbids the passage of ex-post facto laws, and laws involving the obligation of contracts." The bill was passed over the executive veto. Another of the measures of a policy which the Governor opposed was "an act to provide for the valuation of property and in relation to mortgages and trust deeds." As recited in the executive disapproval, "it entitles the judgment debtor to have his property valued by three disinterested persons and the sheriff is forbidden to sell unless he gets a bid two-thirds of the appraised value," etc.; "which violates the obligation of the contract and is expressly forbidden by the constitution." This veto was sustained.

The main clash between the executive and the legislature was over a "stay law"; styled "an act to modify the collection laws of the state," the paramount issue of the session. It sought to stay collections of debts until January 1st, 1868. The Governor prefaced his veto with the relation that "the dislocation and ruin affecting all classes of our people resulting from a suspension of all the industrial and productive pursuits of life, the waste and destruction of property during four years of war, and the blighting influence brought to bear upon the labor of the country furnish an appeal to the magnanimous forbearance and indulgence of creditors that cannot be disregarded or treated by them with indifference." A cogent argument against the policy of the measure was followed by the contention that there was clearly a conflict between the provisions of the bill, and the provisions of the constitution; passages from both sustaining the contention being quoted. The close of the message, which stated the Governor's policy for surmounting the hard environments of the times is quoted: "The surest means of protecting both society and individuals from financial inflations, revulsion and insolvency, is to maintain the stability of the law and the prompt enforcement of the terms of contract; and the debtor will more certainly find his best interests subserved in a full and fair adjustment with his creditor than at the end of 'valuation laws,' or 'redemption laws,' 'exemption laws,' or 'stay laws,' with the accumulation of interest, court costs and lawyers' fees."

Failing in a two-thirds vote to pass the bill over the Governor's veto, a reconsideration was moved. And on a subsequent day it was passed and enacted. While there was a strong and clamorous class in favor of the bill, the press almost unanimously, and the best thought of the public, upheld the Governor and condemned the legislature in this matter. After half a dozen district court trials, presided over by the ablest judges, had decided the act unconstitutional, the High Court of Error and Appeals gave the famous Stay law its coup de grace; and an admiring legion of friends gave Governor Humphreys the sobriquet, "Old Veto" which he bore to his honored grave.

The committee on state and federal relations submitted a lengthy report upon the merits of the direct tax levied by congress in 1861, of which the sum of $413,084.66 was charged against Mississippi. By the provisions of the act this was laid on the landed values. At the time a revenue official was engaged upon the land rolls, for assessing and serving notice of the levy on delinquents in the state. At the end of the legislative report it was recommended that congress and the President be memorialized for relief from payment of the tax. If this was denied, a number of ameliorations, among others "that the state might be allowed to assume, collect and pay the amount justly due—were submitted. It was shown that the tax was not only unconstitutional, but a cruel hardship upon a sorely distressed people. "The mode of assessment," it was urged, "is not just. The value of the lands and improvements at a period prior to 1861 is made the standard. Then we had an industrious population of laborers, identified with the soil, cared for by their masters, lending wealth to the state and her lands, but now turned loose from labor. Two hundred millions of property have been suddenly taken from the state. Waste and ruin met the eye throughout our former richest agricultural regions. Land values in 1860 at high prices are now worth little or nothing. * * * The actual poverty of the people will necessitate the forfeiture and sale of a large portion of the lands, if the tax is imposed." "Surely congress," recited the petition, "will listen to an appeal for justice, sympathy and liberality." But congress was made of "sterner stuff"—the petition transmitted through commissioners appointed by the Governor, met with a merciless silence. The amount was assessed and payment demanded of land owners. While the collection of the tax was suspended, though many citizens paid their assessments, it was not enforced because of a movement to have the tax generally repealed. And years afterward this "raid on the treasury" was effective. Millions were paid back to the Northern states, and with it the sixty or seventy thousands collected from tax payers of this state were refunded.

The legislature also memorialized congress for repeal of the "act to prescribe an oath of office and for other purposes, adopted as one of the measures deemed necessary for carrying on the war." It was argued that there was no "policy or necessity for continuing a severe and sweeping war measure, when the necessity which called it into existence had passed away."

The President was asked to exercise clemency toward Jefferson Davis and other prominent citizens in imprisonment and banishment. The following is quoted:

"Vengeance cannot be a proper right arm of any people or earthly power. 'Vengeance is mine and I will repay, saith the Lord.' Vindication of national power is not now needed when the sword has so terribly accomplished that work, nor are further examples necessary to prevent a recurrence of the late civil strife. A land reddened with blood, houses demolished and devastated, cities and towns with little left but blackened, broken and empty walls; fields once rich with harvest now waste and barren are sufficiently eloquent for that purpose. And if punishment is needed for future safety, on our people it should be visited and not vicariously."

A motion to re-incorporate the Delta counties and parts of counties into a levee district failed. The people did not feel able to rebuild and repair the levees which had been greatly damaged during the four years of war. Broken and washed by floods, and cut by the Union troops, and with a million dollars of floating debts, it was beginning the work for overflow protection anew. Only the counties of Bolivar, Washington and Issaquena were undismayed by the task. They were incorporated in the levee district still known and operated under the Board of Mississippi Levee Commissioners.

A needed and timely act was that creating "county courts." It was composed of the probate judge as ex-officio presiding judge, and two justices of the peace. Such courts were given criminal and civil jurisdiction, inferior to the circuit courts. Otherwise, except the grand jury and district attorney were dispensed with, they had the same powers and authority and proceeded under laws, rules and practice. They held court once a month in the court house. It was a court of record and given jurisdiction over appeals from justices of the peace and mayors of cities. The clerk of the circuit court was made ex-officio clerk of the county courts. Such a tribunal was a wise institution for the times, one which it would have been good policy to have perpetuated.

Among other laws of more or less importance was one for a reorganization of the state militia. This was designed as a permanent substitute for the volunteer force established by Governor Sharkey, and which consisted of about 5,000 men, in near a hundred companies. It was thought that with an efficient and sufficient force, one that could be relied upon for enforcement of law and order and protection from possible race clashes, the Federal troops would be withdrawn. Under that view, in the ensuing election for regimental officers, men who commanded popular trust and confidence were sought out as candidates. Twenty per cent of the state revenue was allotted under adequate provisions for the support of the wounded and disabled soldiers, the education of the indigent children of deceased soldiers and the general relief of their families. An act was passed for supplying the maimed soldiers with artificial legs, which the superintendent of army records was empowered to secure. The name of the county of Jones, which had acquired an unenviable reputation as a chief rendezvous in its wilds of a swarm of Confederate deserters who sought to escape from service in that section of the state, was changed to Davis. Provision was made for sending commissioners to Washington pursuant to a message from the Governor, "to act in connection with the congressional delegation from the state in laying before the President and congress the condition in regard to the colored troops in our midst and the danger of insurrectionary movement among the freedmen, to secure if possible the removal of the colored troops, and procure arms for the state militia." In addition such delegation was directed to urge the remission of the direct tax, and the repeal of the test oath as applicable to minor officers. As such commission Governor Humphreys appointed Hon. Wm. Yerger, of Jackson; Hon. Joel M. Acker, of Monroe, and Hon. James Brown, of Lafayette. A resolution was adopted expressing "the confidence of the legislature in the administration of Andrew Johnson."

Be it Resolved by the Senate, (the House of Representatives concurring) That the Legislature of the State of Mississippi expresses its confidence in the administration of Andrew Johnson, President of the United States, so far as his public course has been developed in endeavoring to restore the people of the Southern States to their constitutional relations to, and equal rights in, the Union; to the benefit which may flow from their participation in the councils of a re-union of States.

It acknowledges his honesty of purpose, his firmness and determination, which thus far has marked his official career; and it extends to him the assurance that his patriotic and noble efforts to heal the wounds of the country and restore the Southern States to equality, representation and prosperity, meets its sanction and approval.

Resolved further, That the Legislature of this State thank President Johnson for the various acts of official clemency and kindness he has shown the people; and that they look forward with an abiding hope, but an equally anxious solicitude, for that happy day when a general amnesty to *one* and all shall crown his name with unfading honor, and enable the people of a common country to hold a common rejoicing.

Resolved further, That a copy of these resolutions be transmitted, through his Excellency, the Governor of Mississippi, to the President of the United States.

When the legislature met the state treasury was quite plethoric, with Confederate money and bonds, besides state bonds and scrip of various kinds, "planters bank, coupons and notes," "state notes, new and old issue," "treasury notes," "change warrants." The real resources in the treasury was $90,000 paid over by Governor Sharkey from taxes he levied and collected. Several hundred thousands of dollars had been loaned various railroads before the war upon the security of their deposits of bonds and certificates. With characteristic thrift and foresight these railroads had secured the state's agreement to a liquidation of the debt, under an act passed in 1863, in the inflated currency of the Confederacy and the state. They had thus obtained possession of the obligations given in security for the debt. The settlement was now disclaimed and it was made the duty of the Governor to demand a return of the railroad securities and obligations of these laws which had been returned to them without "just and legal compensation," and if the demand for return of the securities, etc., was refused, the attorney general was directed to bring suit for the amounts of the said loans. The August convention had first refused to ratify the act under which payment of the railroad debts to the state in state treasury notes was authorized. The courts sustained the state's claims against the railroads.

To raise a revenue for defraying the expense of the state government the moderate tax of one mill on the dollar of valuation was assessed on lands, which was less in proportion than the rate on other classes in proportion. The discrimination was justified by the prostration, the peculiar difficulties and uncertainties of cotton growing in a state where this was the predominant interest and the basis of all other interests. All trades, callings, etc.—none escaped, newspapers and dogs being included—were taxed; specifically on percentage or as privileges. Cotton was assessed a dollar a bale, which was not high under the prevailing prices. Though the army worm grievously disappointed calculations of the total collected, a tax that excited especial dissatisfaction was on railroad passengers, who were taxed a half a cent a mile of the distance carried. By way of relief, and to clear away the rubbish of war, an act was passed remitting all due and unpaid taxes for the years 1862, 1863 and 1864. Tax collectors were directed to pay over all collections in hand for these years and close the books on all delinquents. The remission included promissory notes and due bills for unpaid taxes.

Historically the most memorable act of this session of the legislature was the rejection of the 13th amendment and the report of the committee setting forth the reasons therefor. The question was thus submitted by Governor Humphreys:

> I respectfully recommend that section I of article XIII be adopted, if for no other reason to put it beyond the power of Mississippi to establish slavery or involuntary servitude except as a punishment for crime, and that the 2d section be rejected as its adoption will open the door to that wide range of construction that would centralize in the Federal Government all the powers of government intended by the framers of the Constitution to be "reserved to the people."
>
> B. G. Humphreys,
> *Governor of Miss.*

Mississippi was the first of the "states lately in rebellion" to act upon the amendment which proposed to make authoritative and final the emancipation of the slaves, and as the only state to reject the same, it is just and important to incorporate this able and far-sighted committee report in all history of the action taken. It is here given in full as submitted in the representative house by the Hon. H. F. Simrall for the committee:

"The joint committee on state and Federal relations to which was referred the message of the Governor and accompanying documents . . . having reference to the adoption of an amendment to the constitution of the United States, as article XIII proposed by congress on the 1st day of February, 1865, to the several state legislatures, which is in the following words:

Article 13—Section 1. Neither slavery nor involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

They report that, after a careful consideration of the subject, they have come to the following views:

The first and main section of the article has already been adopted by Mississippi, in so far as her territory and people are concerned.

It was substantially and almost in terms incorporated into the State constitution by the late convention. Now is it possible for the State by any act, or in any mode, conventional or otherwise, to change the status fixed by the convention? The freedmen could not by subsequent constitutional amendment be enslaved. The provision of the federal Constitution having reference to the foreign slave trade, and the laws of Congress passed upon the subject, prohibit the importation of negroes from Africa, or elsewhere, so that, as the matter now stands, it is impossible to re-establish or re-introduce slavery here, or elsewhere in the south.

The late State constitutional amendment was adopted in perfect good faith. The people have accepted it, and will adhere to it in the like spirit. Under no circumstances can the persons who were lately slaves be again enslaved. The adoption of the proposed amendment as Article XIII can have no practical operation in the State of Mississippi. The absolute freedom of the African race is already assured here. It is an accomplished fact. The second section is subject to more grave objections. It confers on Congress the power to enforce the article by "appropriate legislation." Slavery having been already abolished, there is really no necessity for this section, nor can the committee anticipate any possible good that can result from its adoption. On the contrary, it seems to be fraught with evils which this legislature and the people of the State of Mississippi are most anxious to guard against. Slavery may be regarded as extinct everywhere in the United States. At this moment it legally exists nowhere, except in Kentucky and Delaware. It is there tottering to its fall. Its continuance must very soon cease.

Whatever may be the sentiments and preferences of those States, it is quite certain that slavery cannot be perpetuated there, liberation having obtained everywhere else. The proposed amendment is not needed, then, to coerce Kentucky and Delaware into emancipation.

It is the anxious desire of the people of Mississippi to withdraw the negro race from national and State politics; to quiet forever all subjects and questions connected with it, and, so far as forecast and precaution can do so, to forestall and prevent the outbreak of agitation hereafter.

The committee cannot anticipate what construction future Congresses may put on this section. It may be claimed that it would be "appropriate" for Congress to legislate in respect to freedmen in the State. This committee can hardly conceive of a more dangerous grant of power than one which, by construction, might admit federal legislation in respect to persons denizens and inhabitants of the State.

If there be no danger now, the committee fear the time may come that the public mind might be influenced on this subject to the degree of endangering the reserved rights of the States.

The committee are also of the opinion that the present is not a propitious time to enlarge the powers of the federal government. The tendency is already too strong in the direction of consolidation. The liberties of the people, and the preservation of the complex federative system, would be better insured by confining the federal and State governments in the respective spheres already defined for them.

It would be unwise and inexpedient to open a subject which your committee had believed extinct, as themes for radicals and demagogues to use to the detriment of the best interests of the country. Mississippi cannot give her deliberate consent to leave open any question from which agitation can arise, calculated to disturb the harmony so happily being restored among the States and the people. This section may be interpreted to refer to Congress to judge what legislation may be appropriate. It is so uncertain and indefinite that it cannot be conjectured what congressional action may be deemed "appropriate" in the extremes to which parties have gone and may henceforth go. It is the common interest of the people in all quarters of the Union, now that vexed questions connected with the negro race are all merged and settled in liberation, that the public mind should be withdrawn from anything unpleasant and irritating in the past, and the door be as effectively closed as human wisdom can devise against future agitation and disturbance from this cause. The committee are apprehensive that if this second section be incorporated in the Constitution, radicals and extremists will further vex and harrass the country on the pretension that the freedom of the colored race is not perfect and complete until it is elevated to a social and political equality with the white. The tendency of the section is to absorb in the federal government the reserved rights of the State and people, to unsettle the equilibrium of the States in the Union, and to break down the efficient authority and sovereignty of the State over its internal and domestic affairs. In any aspect of the subject, this section is unproductive of good, and may be fruitful of most serious evils.

Connected as the first section of the proposed article is with the second. and both being included in the same article as an amendment to the Constitution, and a ratification of the first, and a rejection of the second, being, as your committee think, inoperative and of non effect—

Resolved, therefore, by the legislature of the State of Mississippi, That it refuses to ratify the proposed amendment of the Constitution of the United States.

Adopted by the house of representatives November 27, 1865.
Concurred in by the senate December 2, 1865.

The wisdom and the logic no less than the courage and the candor of statesmanship of this report will stand approved in all thoughtful judgment. Nor was the attitude taken founded solely upon the abstract argument, pointing out the "grave objections to the second section." Notes of warning that these "objections" were not alone possible but actually designed had been borne to Southern ears from the mutterings of the storm that was brewing in the North. As a circumstance of proof of the design of the second section, the following from a report of a speech by

Senator Wilson, of Massachusetts, at Yonkers in the New York campaign in October, 1865, is cited:

> "The senator denied that the Democrats supported President Johnson's policy. Did they support the constitutional amendment? No man was stronger in favor of that than the president. There was a great deal in that amendment. It authorized congress, by appropriate legislation, to make the emancipated slaves in all respects citizens of the United States. (Applause.) That amendment would be adopted by the requisite number of states and congress would make the freedmen really freedmen. (Applause.) We can, under that constitutional provision, declare null and void all the black code legislation of any of the states of the Union."

The quoted passage is taken from the Vicksburg *Herald* of November 1. It was delivered—with its menace of usurping the power of the state under the warrant of the constitutional amendment—about the date of the assembly of the Mississippi legislature. It was a clear forecast of the reconstruction policy of the radicals, before any "black code" had been passed or even proposed; thus affording contradiction of the claim so commonly made that the said code caused the negro equality policy to be taken up. It is not denied that the action of the Mississippi legislature furnished pretext, or ammunition, for the Radical leaders in the adoption of this policy at the ensuing session of congress. But no instigation was needed to that end, which no act of propitiation or humiliation would have averted. The radical intention was never a secret—after Appomattox it was proclaimed from the housetops.

In the meantime the South Carolina legislature had met. It, too, balked at ratifying the 13th amendment with its sinister second section. Reporting the hitch to the President, Gov. Perry was informed in a communication from Secretary of State Seward that the objection was "querulous and unfounded"—that "it was really designed to restrict instead of expand the powers of congress." This preposterous explanation was accepted and the amendment was ratified almost unanimously by the South Carolina legislature. The following press comments are taken from the Vicksburg *Herald* of December 1st:

"But before the ink gets dry on the dispatch of Mr. Seward to South Carolina, the Radical press 'let loose the dogs of war.' Says the New York *Tribune:* The constitutional amendment aims at the absolute, unconditional abolition of slavery throughout the United States; but it does not stop here. Hitherto the personal liberty and civil rights of each citizen were held and enjoyed under the protection of the states respectively; hereafter, they are to be upheld and guarded by the nation. Hitherto, a state might cruelly oppress any portion of her own people; hereafter, congress is charged with the duty of protecting in the full enjoyment of his liberties each inhabitant of our country, and clothed with the power requisite to its fulfilment of this high obligation. Ours must henceforth and forever be a Union of free states and a nation of freemen, or congress will be grossly delinquent and culpable. Gov. Perry's objection to the second section of the constitutional amendment may, indeed, have been 'querulous and unreasonable,' since it is unwise, to resist the inevitable, or to object to the strongest possible guarantee of individual and general liberty; but we cannot regard his construction of the great amendment as strained or illogical. If congress shall forbear to 'legislate for the negroes,' or for others, it will so forbear simply because the states act so wisely and justly that no further legislation is needed."

The Philadelphia *Press* says:

The reluctance of the original seceders to sanction this drastic and searching amendment, illustrated in the South Carolina legislation, a few days ago, was produced by the fair construction given to the second section of the new article. The South Carolina leaders saw that their slaves were not only set free by the constitutional amendment, but that congress was empowered to legislate to 'enforce' the universal decree. They were not misled by the absurd theory, born of some weak or scheming brain, that under the second section they could apply to congress for remuneration or compensation for their "property!" The legislation of congress is to "enforce" abolition—to perfect emancipation—not to pay the old slave masters. And, when Mr. Seward telegraphed to Governor Perry that his objections to this section were "querulous and unfounded," he meant that the duty of congress was too plain to require an interpreter.

Assembled October 16th, 1865, the legislature adjourned December 6th. It was subjected to a great deal of criticism and censure, which was not altogether undeserved. But some newspapers were vituperative and denunciatory, which was not deserved. There could be no question of patriotic and unselfish intent. All judgment of the legislative record to be just must consider that the task to which the members were summoned was arduous and perplexing beyond all that had gone before or that has come since. And that it was performed under the gaze of eyes that, at home, were over inconsiderate and fault finding; and in the North hostile, invidious and distrustful.

It was not to be expected the legislature would escape severe criticism; especially in the passage of laws known as the black code. These were waved as a red flag by the Radicals in the faces of the Northern people yet raw with the passions of war. In the North judgment was untempered by knowledge of the situation with which the legislature was dealing. In the South censure was bestowed not because the restrictive provisions were not justified by the besetting environments, but the justification was outweighed, the critics held, by the urgent necessity of propitiating the implacables at the North. One section especially has been misunderstood and misjudged. This was the provision prohibiting freedmen from leasing "lands or tenements except in incorporated towns or cities in which places the corporate authorities shall control the same." At this chaotic period no other labor stipulation was in vogue except for money wages, clothing and rations; cropping on shares and renting land was quite unknown as yet. No credit system had been devised by which planting could be carried on under a rental or tenant adjustment. It was with extreme difficulty that the land owners could make arrangements for securing the aid necessary to growing a crop. Moreover, in many counties the towns and the highways swarmed with vagrants. The intent of the provision placing negroes in the towns under surveillance and control was to effect their return to farm homes and vocations. This was the policy of the military and the bureau as well as the state. It was a policy that would have been thwarted by a congregation of negro "renters" of farm lands with the certain result of nests of idleness and thieving. It was this condition the law sought to meet. It seemed consistent with the policy stated. In the address of General Howard, commissioner of the Freedmen's Bureau, at Vicksburg, referred to in a previous chapter, the following is quoted from the Vicksburg *Herald* report:

"After recounting how he (the speaker,) had risen by hard labor and continuous effort from the position of a poor farm boy to the one he now fills, and telling the blacks to emulate his example, he advised them to go fairly and honestly to work for their old masters. As long as they were the land owners, the colored people must reconcile themselves to this state of affairs, and labor industriously for the wages their former masters were able to give. The General urged this point very strongly, because he considered it right."

In an address to the negroes of Jefferson county, reported in the Fayette *Chronicle,* Major Free, of the bureau, "advised the negroes to remain at home and make contracts for twenty, ten or even five dollars per month, rather than congregate about towns and cities."

The furor raised by the rent prohibition of the law "to confer civil rights on freedmen," etc., reached Washington. The following appeared in the Vicksburg *Herald,* December 1st:

"The following is a copy of a dispatch, furnished us from the bureau office:

"By Telegraph.

"'Washington, Nov. 30, 1865.

"'To Col. Sam'l Thomas:

"'While the Bureau remains in Mississippi, you will continue to protect the freedmen in the right to lease lands. The act of legislature referred to in your telegram of the 27th inst., is not recognized here.

"'By order of
"'MAJ. GEN. O. O. HOWARD.'

"Another dispatch was also received, covering an order from the Secretary of War, directing investigation to be made in all cases where freedmen are arrested for violating the law above referred to, and to report the facts to Washington, in order that prompt redress may be afforded." The military also forbade the statutory provision that "the penal laws defining offenses and providing the mode of punishment for crimes and misdemeanors by slaves shall remain in full force except so far as the mode and manner of trial and punishment had been changed or altered by law."

Vain as was their aim, intolerable in the means of effecting it to those who held control of Southern destiny, who had other and wholly conflicting designs upon the emancipated race, there is the most overwhelming proof in the subsequent course of events, that while the fight of those who, in 1865, sought to guard the negroes from the dangers of vagrancy and disease awaiting them, may have been impracticable, they were under no delusions as to the evils and dangers unchained by emancipation. Race vitality and crime statistics of the ensuing years have proved the truth of their apprehensions. The terrible progress of moral decay is confirmed in the following severe indictment published in the *Globe Quarterly Review*, of December, 1897, by William H. Thorn, an original abolitionist and a noted writer of the Sumner-Garrison school: "During the spring of the year 1895, and after more than thirty years of sincere and old-fashioned abolition sympathy with the negro race, I made two visits to several of our Southern states, with the result as follows:

First—All my old abolition sympathy, which had been weakened for over ten years in view of the insufferable self-assertion of our negroes since the day of their emancipation, vanished like so many scattered sophistries, for which I had no further use.

Second—On returning to New York I published in the next issue of the *Globe Review* my conviction that, spite of emancipation and our so-called education of the negro—and perhaps aided by these absurdities—the negroes of this country were more than ever a shiftless, unteachable, immoral race, incapable of any true civilization in our land, and unworthy of American citizenship.

Third—That without mincing matters, or any longer writing or thinking on the basis of sympathy with the negro, I was convinced that inside the next thirty years the South would be obliged to "re-enslave, kill or export the bulk of its negro population."

Dr. J. F. Ohl, a member of the executive committee of the Pennsylvania prison society published a paper in March, 1904, which in substance advocates a black code. He said:

"It is true that the negro is more prone to crime than the white man, especially to those crimes directed against white persons. I do not attempt to account for the cause of this, but we have the results to deal with, and they are quite enough. We strike a difficulty at the outset because we cannot distinguish against color. We cannot act under two separate laws.

I am not a believer to such an extent as some people in the deterrent theory, but in the case of the negro it seems to be effective. The theory is practically the infliction of such severe punishment as will deter others from similar crimes. There is, I believe, more fear in the negro than in the white man. It is very possible that heavy penalties may have more influence in deterring the negro from committing crime than it would with his white brother.

In this view of the case I say again I believe that the maximum punishment should in almost every case be inflicted. The real object of punishment is the protection of society, and when it is found that a person is not safe to society when he is at liberty he ought to be permanently segregated from society. This applied not only to the negro race, but to the habitual criminal of any race.

In my work in the eastern penitentiary I have met negroes who said they never intended to work, even when their term of imprisonment was over, and when liberated would return to their habits, which would lead nowhere, but to a prison's doors. Such men as these should be confined permanently. They are a permanent menace to society. Negroes should not be allowed to aspire to an equality with the whites. So far as I know of conditions in the South, a great deal of the crime there today is due to the fact that negroes are left too much to themselves and become loafers, as it were."

The "black code," which was not half so black as these Northern judgments, may not be claimed as a perfect work of statesmen. But it is to be defended from the indiscriminate condemnation it has received. It was enacted but as an expedient to meet the emergencies of a calamitous and chaotic condition. Profoundly impressed and oppressed by environments both perilous and perplexing, the 1865 legislature discharged its duty according to its lights. No other representative body was ever charged with such an intricate and Herculean task, as that confronting the black code authors. They were reprobated and reproached because they did not grow figs from thistles. They knew as their judges neither knew nor cared, the nature of the negro and the blending of good and evil, of strength and weakness in the race. According to their knowledge and their environments, they wrought to preserve the virtues and guard against the vices of the race, by restriction to agricultural pursuits and settled homes, and repression of roving and vagrant instinct that led to idleness, disease and crime. That the laws to that end read harsh and repugnant is undeniable. But the true test of their wisdom is comprised in the question of their necessity—was the evil guarded against real, and would any less restrictive provisions have met it? In the distemper of the times just principle was lost sight of. Indiscriminate denunciation served the ends of the radicals. And because of its uses as a political handle by the enemies of the South, the race legislation was loaded down by the reproaches of her friends. It has been charged that the "black code" invited, if it did not justify, the reconstruction wrath to come—that by not doing things deemed essential to the welfare of the state, the poisonous fangs of radicalism would have been drawn. The annals of the times yield the most abundant contradiction to this verdict of "hind sight" wisdom. They show that it was decreed for the south to pass under the rod—to walk through the shadows of the valley of desolation. War but cleared the decks for a bitter and relentless struggle over the consequential and far reaching question of the freedman's status in the ranks of citizenship. Such a struggle was as inevitable as the war itself, and those who censure the men called to the helm for heading the ship of state to a port beset by breakers, must shut their eyes to the devouring tempest behind them. It was literally a choice between the devil and the deep sea.

Thus has the "black code" been blackened in history—a prejudicial and perverted judgment entered up against a patriotic if not wholly wise effort of adjustment of the emancipated slave population to the social and industrial life of the state. Ignorant of the nature and necessities of an utterly abnormal and wholly unprecedented social condition, many friendly to the South judged the measures designed by the most conservative citizens as framed in blindness of consequences. So true a friend as Congressman S. S. Cox, in his "Three decades of Federal legislation," pronounced it "surprising that the intelligent men of Mississippi could have persuaded themselves after the terrible experience through which they had passed, that the predominant North would for a moment tolerate this new slave code. It was owing to this sort of legislation that Mr. Johnson's policy of conciliation was defeated." That "this sort of legislation was used" to defeat the President's policy is true. But no dispassioned study of the times can resist the conclusion that the policy was doomed whatever legislation might have been adopted. This fact is virtually recognized by Mr. Cox, who says, speaking of a previous period, "that the radicals were determined to make the South the stronghold of their party." His theory of cause and effect became nevertheless very popular, after Mr. Johnson's policy had been defeated, and many have been led to believe that Cerberus might have been appeased with a sop.

Written nearly twenty years after, the central purpose of Jas. G. Blaine's "Twenty Years in Congress" is to excuse the Republican party from the crime of reconstruction, by making out a case against the "black code," to establish that but for race legislation of 1865, congress would never have imposed negro suffrage on the Southern states. In this dishonesty Mr. Blaine's own words convict him of playing the wolf that accused the lamb of making muddy water flow up stream. Writing of the President's break with his party, he said: "At this period the President did not contemplate a break with the Republican party. * * * He seemed to have no comprehension of the fact that with inconsiderable exceptions the entire party was composed of Radicals, men who in aim and sympathy were hostile to the purpose indicated in his policy." This is taken from Mr. Blaine's comment upon President Johnson's letter to Governor Sharkey, August 14th, urging the adoption by the Mississippi convention of a restricted form of negro suffrage, on which subject the writer said the "radicals were wild." "At this period," which was months before a "black code" had been proposed or enacted, the essential difference between the President and the Radicals was negro suffrage. Moreover, the plea of the black code as a justification for legislation that was had in 1867 is stultified by the fact that not only were the black code proscriptions annulled by military order as soon as they were published, but as far as congress could, all legal distinction between the races, except the suffrage, was swept away by the civil rights act of 1866; which was even construed to annul state laws against race intermarriage. Acting under the order of the War Department, already noted, Gen. T. J. Woods issued the following general order of prohibition against the "black code" January 30th, 1866:

> "To prevent misapprehension and to remove all occasion for any conflict of authority between the military and civil functionaries, the attention of all commanding officers is specially directed to the following extract from General Orders, No. 3, War Department, current series:
>
> "'And also protecting colored persons from prosecutions in any of said states charged with offences for which white persons are not prosecuted or punished in the same manner and degree.'
>
> "In conformity with the directions contained in the foregoing extract, no prosecutions will be allowed in this department against colored persons for offences for which white persons are not prosecuted or punished in the same manner and degree."

While the laws made no prejudicial discrimination, on its face there could be no objection to an order such as the above. At the same time it is easy to see how it could be used as a cloak of spite and persecution. And so it proved—wherever there was a post commander in sympathy with the radical policy, the authority conferred under this order was abused. Under its warrant laws were annulled and the jurisdiction of the civil authorities overridden at will. There was such an epauletted nuisance in Vicksburg, Col. Van E. Young. Under the county court law whipping posts were set up for certain cases, such as incorrigibility in petty misdemeanors. It was not alleged that there was any discrimination here—that white persons were not "prosecuted or punished in the same manner and degree as negroes." Nevertheless a peremptory prohibitory order was issued against whipping, and for "the tying up post to be taken down at once." In censuring the post commander for not prohibiting discrimination instead of nullifying the law, The *Herald* stated that "the very first case punished by the Warren county court was a white boy, who was tied up." Presuming beyond tolerance, Col. Young sent through the commander at Jackson, Gen. Osterhaus, an insolent communication to Governor Humphreys asking, in fact demanding, the reprieve of a certain negro; who had been convicted of murdering another negro and sentenced to be hung. The Governor handed the letter back to Gen. Osterhaus with the statement that "the communication of this man is so insulting to the people of Mississippi and so disrespectful to the state and her chief executive, that he could notice it. But if a decent man would send him a request for a reprieve he would consider it. Thereupon Col. Young took the negro murderer from the sheriff and confined him in a guard house where he "escaped." Or as The *Herald* said, "it is presumed the guard turned him out." Editorially The Vicksburg *Herald* of March 27th called upon Gen. Wood, "who has the full confidence of our people as a man of honor and justice, to investigate Col. Young's conduct."

It is due the truth to say that Colonel Young was an exception to the rule of our military rulers, from Gens. Wood and Osterhaus, down to the lower grades. Appreciating him as a calm, just, courageous executive, and drawn to him as a soldier of approved valor, all held Governor Humphreys in highest respect. Upon the occasion of a visit from him to Vicksburg The *Herald* had the following: "The officers of the United States army (regulars) paid their respects to Governor Humphreys, yesterday, at the Prentiss House. They were headed by General Dudley, and appeared in full uniform. Among the gentlemen present were Colonel John Moore, medical director of the department of Mississippi; Assistant Surgeon Greenleaf; Majors Norton, Ritter, Catlin, Woodward; Captains Potter and Brown; Lieutenants Holbrook, Sanderson, Gray, Williams, Hedberg, Haller and Beach."

The just and courageous assumption and discharge of the delicate, perplexing and difficult duties of his position by Mississippi's Confederate Brigadier Governor, justified the following tribute from the Louisville *Journal,* edited by the gifted and famous George D. Prentice:

The eminently wise and patriotic course of Governor Humphreys has done more than anything else, to benefit Mississippi. Elected from the late Confederate States army and from the proscribed classes, he has proved that the Southern soldiers are the truest and purest in their professions of loyalty. His able inaugural and patriotic messages to the Legislature are fresh in the recollection of the people.

To return to the Black codes: Whether wise or unwise, it cannot be denied that the legislation so styled was, largely if not wholly, meant to preserve the negro from the evil tendencies already marked, of town settlements, the vices such as vagrancy and petty criminality incident to it; by keeping them on the farm to conserve their as yet unimpaired habits of industry, physical vigor and freedom from the taints of certain diseases. Thrown into a state of consternation from the blasts of denunciation, borne down to us upon the northern breezes, the timid and the time servers set up and echoed the outcry against the black code. It has been handed down by writers of the I-told-you-so order, who sought a scapegoat after the South was placed on the reconstruction rack, when the facts of history and the light of reason all show, it was for no light or fleeting cause that Mississippi knowingly drew the fire of sectional and partisan hate. Even Southern men have been so illogical as to contend that the refusal of the legislature to accord the negro full and restricted rights was due alone to the prejudices and traditions, which constituted the fabric of Southern society. This is only true in part. Beneath the "traditions and the prejudices" there was the bed rock of race purity and white supremacy on which the black codes rested. That a black code was essential in solving the emancipation problem, in meeting the difficulties and averting the dangers involved, was recognized in Mr. Lincoln's amnesty proclamation of December 4th, 1863, which is quoted:

> "And I do further proclaim . . . that any provision which may be adopted by such state government in relation to the freed people of such state which shall recognize and declare their permanent freedom and provide for their education and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the national executive. And it is sug-

gested as not improper that in constructing a loyal state government in any state . . . the general code of laws as before the rebellion be maintained, subject only to the modifications made necessary by the conditions heretofore stated, and such others, if any, not contravening said conditions and which may be deemed expedient by those framing the new state government."

It is here shown that the general directions quoted from the Lincoln proclamation warranted Mississippi's legislation, as "a temporary arrangement," to meet the condition of "the laboring, landless, homeless" negro. Nipped in the bud, the black code tree is unknown by its fruits. How the unrestricted drift of the negro to the towns and cities, which the 1865 legislature sought to avert, has worked is known of all men, as a menacing social and hygienic problem.

It is none the less true that the black codes were most effective as fuel for "firing the Northern heart"—as texts for the consummation of the vindictive policy of the radicals, declared even before the close of the war.

That the "black codes" were not, as the Northern people were made to believe, enacted for the virtual annulment of the 13th amendment is inferentially but emphatically recognized on page 556 of Rhodes history: "The difficulties of the problem was not comprehended in the north." And, "Blaine's account is inaccurate and unfair to the South. There is the most abundant evidence that the Southern white men might have been safely trusted to deal with "the difficulties of the problem." And on page 559: "In my judgment it would have been safe to permit the state to work out this problem under the restrictions naturally arising from the operations of the Freedman's Bureau and the military occupation." We have lived to see this view become universal. The substantial honest intent and good will toward the negroes is indelibly written in the court records of that period. Never thereafter have their rights of possession of property been so well guarded.

A most disturbing element, one that overhung the state as a constant menace to peace and order, and exerted a most evil influence upon the negro population, had been created through the policy of mustering out the white troops and retaining negro of giving pain. Renewing the request for removal of the negro garrisons in the state. Governor Sharkey had not only protested against this policy, he had raised a militia force for protection from the consequences it invited. The August convention had urged removal of negro troops from the state. In a communication to Gov. Sharkey, President Johnson said the "government did not intend to irritate or humiliate the people of the South (by the negro garrisons) which seem to be producing so much dissatisfaction." This was adding insult to injury. It was like applying the thumb screw, and disclaiming the intention of giving pain. Renewing the request for removal of the negro troops, Governor Humphreys met with a curt and unheeding rebuke. Undeterred, he recommended the legislature—which it did—"to appoint a delegation to act in conjunction with the congressional delegation in laying before President Johnson the condition in regard to the presence of colored troops, and the danger of insurrectionary movements among the freedmen; to secure, if possible, the removal of the colored troops." Garner's Reconstruction in Mississippi, page 105, flippantly reads: "Sharkey's successor seems to have regarded the removal of negro troops as the chief end of his administration." If admitted was there not a cause? Organizing and arming the slaves carried possibilities, if not design, of a servile war. Of all the bitter memories handed down from evil days, this sank deepest in the Southern heart. For "quenching the smoking flax" of patriotism, nothing could compare with this. In August all but a few hundred white soldiers in the state were mustered out of service and sent home. The force of occupation consisted thereafter, for nearly a year, of negro regiments to the number of about 10,000 men, located in detachments in the chief towns of the state. An ever present threat to the tranquillity of the country, these garrisons were centers of debauchery and demoralization of the negro population. Their commanding officers were white men. But the company officers were as a rule unsuited to command and indifferent to discipline. Frequent brawls and clashes kept the public mind in a perpetual state of apprehension of serious trouble. Nothing but dread of a recurrence of war with the government kept the white men from wiping out the whole negro military outfit. It is not strange that this dark chapter of the war's aftermath is passed over by Northern writers of the post reconstruction period. Few indeed of that day could view it with pride. Indeed the only historian of note who defended the arming of the slaves, which was only resolved upon when the Union cause looked darkest, was James G. Blaine. What he said of the "d—d spot that will not out" in his "Twenty Years in Congress" is quoted, with record contradiction:

> "During the civil war the negro had, so far as he was able, helped the Union cause—his race contributing nearly a quarter of a million troops to the national service. If the government had been influenced by a spirit of inhumanity, it could have made him terribly effective by encouraging insurrection and resistance on his part against his master. But no such policy was ever entertained in councils controlled in the cabinet by Seward and Chase and Stanton, or in operations in the field directed by Grant and Sherman and Sheridan. The negro was left to raise the crops that supplied the Confederate armies with bread, when a policy of cruelty, no worse than that of Andersonville and Belle Isle, might have made him a terror to the Southern population. The humane policy thus pursued would have been scorned by European warriors who have become the heroes of the world, but there is not a Northern man who does not look back with profound satisfaction upon the philanthropic determination that forbade the encouragement of a single insurrection, or the destruction of a single Southern life, except under the recognized and restricted laws of war."

What is to be thought of such a boast—of the claim of "philanthropy," because the government refrained from inciting a "servile insurrection," with all the rapine, incendiarism and slaughter of non-combatants that the phrase implies? In fact negro insurrection within the southern lines was not feared; no portion of the South was so remote from her soldiery that any show of insurrection would not have been speedily reached and ruthlessly suppressed; as befell one noted attempt. But what more encouragement to "a servile war" was wanted, than the emancipation proclamation itself, accompanied by the enlistment of negro soldiers? As such a dire result could not have been unexpected, even if not planned, in the Lincoln cabinet, the action taken was looked upon as the incitement of "a servile war" both at home and abroad.

Furthermore, in spite of Mr. Blaine's assertion, there *were* many non-combatant "Southern lives destroyed" by negro soldiers. This the *War Record*, and the local chronicles, before and after the close of hostilities, testify to. Murders of white citizens by negro soldiers, and sometimes worse than murders, were perpetrated in every Southern state; sometimes punished, and often not. The bloody raid up Deer Creek, in August, 1863, with the wanton murder of the few white men, civilians, that remained there after the Confederates had all withdrawn, passed without rebuke or punishment, from Grant and Sherman.

The following account of the Deer Creek raid, in August, 1863, was obtained from Col. W. D. Brown, a planter and a gentleman of highest character and respectability, who was near the scene at the time:

"A murderous band of negroes from Haynes' Bluff on the Yazoo river, made a raid up Deer Creek. The raid was not authorized by the military authorities, but was planned by a few blood thirsty negroes, intent on murder of the few white citizens then resident on the Creek. At the Good Intent plantation (now Smedes station) they murdered a Mr. Sims, then the overseer or manager of that plantation. Moving up on the west side of the Creek they next captured Charles J. Fore, quite an old man, who had for many years been the general manager of the several plantations owned by H. R. W. Hill on Lower Deer Creek. They did not kill Mr. Fore, but according to my recollection they wounded him severely and left him—supposing he was dead or that he would die. Continuing up on the west side of the Creek they came to the home of Mr. Joe Clark, near the head of Neasom Bayou. Mr. Clark was shot to death by them, his wife clinging to him and begging for his life in the midst of the volley fired into his body and he fell dead in his room in the presence of his wife and little children. Continuing northward they next came to what is known as the Georgiana plantation, then the property of Mr. George F. Short. There they shot to death Mr. Johnson, the overseer of the plantation. A little further up the Creek they attempted to kill Mr. John M. Clark, but failed as the Creek lay between them. Mr. Clark escaped with a bullet hole through his hat. Continuing their raid to the point where Rolling Fork is now located, they found an old Irishman in charge of the property of an absent owner, but did not molest him. There they made inquiry for the writer, whose residence was half a mile further up Big Deer Creek. Learning that he was absent from home, they turned back toward the Yazoo river."

Col. Brown makes this observation, which is eloquent of the restraints and the lessons of slavery: "A fact connected with these murders which excited no notice at the time, but which is very noticeable now, is that these unrestrained demons did not, even though nerved to indiscriminate plunder and murder of white men, in a single case offer to injure or insult women and children."

This murderous Deer Creek raid was one of the few actual symptoms of "the slave insurrection" mentioned by Gen. Grant. A month before a document setting out such "a plan" came into the possession of the Confederate government, a part of the mail of a steamer captured between Norfolk and New Berne. It described "a plan to induce the blacks to make a concentrated and simultaneous movement or rising in the night of August 1st, to arm themselves as best they could and commence operations by burning railroad and county bridges, tearing up rails, destroying telegraph lines, etc. No blood is to be shed except in self defense. Intelligent contrabands were to be selected to spread the plan and make the rising understood by several hundred thousand slaves by the time named." This document, which may be read on page 1068 of the *War Records,* Series I, Volume XVIII., was signed Augustus S. Montgomery and directed to Major General Foster, commanding the Department of North Carolina. He was assured that it would be communicated "to every other department of the seceded states." It was endorsed, "approved, C. Marshall, Major and Aide de Camp." Secretary of War Seddon in sending copies of it to Southern governors, wrote: "You will perceive that it dictates a plan of a general insurrection of the slaves on August 1st next, and while attaching no great importance to the matter, I deem it prudent to place your excellency in possession of the information."

The "negro insurrection" was calculated upon no little by

Northern political leaders, as an agency in the subjugation of the South and the punishment of "rebels." The idea was not quenched by John Brown's failure. But it was never a cause of serious apprehension in the South, or by the Confederate authorities. Negro fealty and fear, contempt for their capacity of organization, prevented alarm. Dread of the visitations of independent companies which operated throughout the river country was sufficient to hold the slave population of the plantation belt in order. And a few months after the occurrence above related, the descent of a small body of Confederates broke up the negro camps at Blakeley.

This sense of security against insurrection by the slave population was rudely disturbed when the policy of arming the negro population and organizing them under white officers was announced. This did not have the effect announced by President Lincoln of at once ending the war. The negro troops, in fact, were never looked upon and never proved themselves formidable in battle. But in garrison or on the raid, they "inspired a terror," as was foretold by Gen. Grant, that was frequently justified at the expense of the non-combatant population. While the Deer Creek murders was the most ominous event of the kind, there were others that spread fear of the armed bodies of negroes abroad over the land. In June, 1864, the people of Vicksburg were horrified by an affair thus related in the *Herald:* "John Bobb, a peaceable and unoffending citizen, has been most brutally murdered by negro soldiers. Ordering a lot of negroes out of his yard, where they were picking flowers, Bobb was cursed, abused, and insulted. He knocked down a negro sergeant, when they left vowing revenge. He immediately proceeded to headquarters and, after reporting the affair, was promised protection by General Slocum. When he went to his home some fifteen or twenty negro soldiers, led by a sergeant, arrested him and a Mr. Mattingly, who was with him. He was taken through the machine shops and 150 rods down the bayou when a negro shot him in the back. He fell and another shot struck his face. Mattingly ran and was pursued and shot at. Gen. Slocum sent one of his staff to ascertain the facts. He found

Bobbs dead, his distracted wife hanging over his body, surrounded by 100 negro soldiers who shouted, "we've got them now." He ordered the arrest of all the parties, but up to this writing the sergeant alone has been arrested. If Gen. Slocum does not find out and hang these men there is no security for life to any man, and he is unfit for the command." But beyond issuing an admonitory order of "the terrible consequences if the spirit which led to this act is not repressed" and that "hereafter the officers of any regiment guilty of such crimes will be held to a strict accountability," nothing seems to have been done.

Gen. Slocum's order was not, it seems by the following from the *Herald* of July 23d, taken seriously: "Complaints are daily made to the military authorities of outrages committed on the rights of the citizens, and no means have been resorted to for effective remedy. Several cases have come to our knowledge in the past week where colored soldiers have entered and stripped gardens of vegetables and fruit. Only yesterday this was done and when ordered out by a lady she was grossly insulted. This was within three hundred yards of two encampments." Other instances of a like nature followed, occasioning the observation that such "daily occurrences does not argue well for officers charged with the duty of maintaining discipline." The recurrent reports of disorder and turbulenceness of the negro soldiers continued. February 24th, 1865, the *Herald* tells of "the diabolical murder" of Mr. Garrity, manager of the Dick Christmas plantation, his wife and two children by two negro deserters from a gunboat. The house was robbed and burned. "We did not hear," the paper said, "of any efforts for arresting the fiends."

March 17, 1865, the *Herald* had an account of "a horrible affair, the shooting and mortally wounding by soldiers of the 66th colored infantry of Mr. S. B. Cook, some miles from Vicksburg on his plantation. They entered his house and behaved in a very insulting manner besides committing other outrages." Mr. Cook died from his wounds. No arrests or punishment of the murderers followed. This crime was closely followed up by another "horrible murder." The *Herald's* account reads as follows: "On the night of April 3d, after Major J. R. Cook, who lives seven miles from Vicksburg, and his family had retired, a party of about 25 negroes entered the house and shot Mrs. Cook. Major Cook sprang to her assistance and was severely if not mortally wounded. Supposing his wife, already dead, he succeeded in making his escape in company with his little son. The negroes remained in the house five hours, plundering. Mrs. Cook died the following morning. She spoke but few words, merely saying she had been shot by negroes dressed in uniform. Major General Dana has offered a reward of $500.00 for the apprehension of the guilty." This general, who had succeeded General Slocum, followed up his offer of reward by prompt and vigorous action. A dozen negro soldiers were arrested and tried by a court martial presided over by Gen. J. A. Maltby. They were convicted and ordered executed. The order was carried out May 26th, eight of the 52d colored infantry and one of the 5th colored heavy artillery being hung outside the city fortifications. Three of the guilty were respited by Gen. Warren, who had succeeded Gen. Dana in command.

Wherever the negro soldiers were stationed or marched, there was dread among the women and children. On one of Col. E. D. Osband's raids through the river country, with three white and one negro regiment, in October, 1864, he surprised a small battery of light artillery. Before abandoning the guns a few shells were fired from near the residence of Judge Edward McGehee, a mile or so from Woodville. The negro regiment was detailed to burn him out. An old letter from a member of the family relates that "on the remonstrance of this old man, who told the officers in command that the house sheltered none but himself, his wife and three daughters, one seriously sick, he was dragged from the house and beaten over the head by the negro soldiers with their pistols. His wife begged the white commander, a Captain J. B. Cook of Kansas, not to 'let those negroes treat her husband so.' This wretch called out, 'do you hear that, boys? She called you niggers. Hit her.' And one of them knocked her down with his saber."

Impelled by intolerable conditions, forty citizens of Oak Ridge, near Vicksburg, met Sept. 4, 1863, to appeal to the military authorities for relief from "straggling soldiers, and negroes armed and unarmed, who had despoiled them of their possessions and from whom their families were daily exposed to injuries and insults." Permission was asked to "unite as good orderly citizens for mutual aid in pursuing the vocations of life and protection of property and person." The "removal or disarming of the negroes on Roach's and Blake's plantations, who had robbed peaceable white citizens, and murdered citizens of Deer Creek," was asked. The question was asked, if "security of life and property would be afforded those who were planting and pursuing their vocations by the military." Copies of the proceedings of this meeting were sent Generals Sherman and Grant. The former's response was as a stone to those who asked bread. In a long and spiteful harangue he informed these people that on account of "firing on our steamboats, and after the long and desperate resistance to our armies in Mississippi generally, we are justified in treating the inhabitants as combatants and would be perfectly justifiable in transporting you all across the seas. * * * In due season the negroes at Blake and Roach will be hired or employed by the government. But in the meantime no one must molest them. * * * The moment your state can hold an open fair election and send senators and representatives to congress, I doubt not they would again be a part of the government. Until that is done it is idle to talk of such little annoyances as you refer to at Roach's and Deer Creek.

General Sherman further, and considerately informed these complaining citizens that "General Grant was absent and would have no time to notice their petition, as he deals with a larger sphere; I have only reduced these points to writing that you people may have something to think about, and divert your minds from cotton, niggers and petty depredations." A copy of his correspondence being sent to General Halleck, that officer referred it to General Grant, who took occasion to write that "he did not coincide with General Sherman as to the policy toward those people. * * * I think we should hold out terms that by accepting they would receive the protection of our laws." Subsequently General Sherman explained to General McPherson, who commanded a corps under him that he "intended making planters feel that they were responsible for the safety of navigation, for collecting corn and cotton, giving receipts to the loyal only. They must be shown we can reach and punish them in case they connive at attacks on our boats." To disprove connivance, "they must be active as friends. They cannot be allowed to be neutral. They may protest against being held responsible for acts of Confederates. But in war we have a perfect right to produce results in our own way." Such distorted and brutal theory of methods of war found no echo either with General McPherson or General Grant.

In a letter to General Halleck August 30th, General Grant thus referred to the Deer Creek affair: "Signs of negro insurrection are beginning to exhibit themselves. Last week some armed negroes crossed the Yazoo in the neighborhood near Haynes' Bluff, and went up into the Deer Creek country, where they murdered several white men. I cannot learn the full particulars of this occurrence. The negroes who committed this act, however, are not soldiers, but were probably some men from a negro camp occupying plantations near Haynes' Bluff. It seems that some of the citizens in that country have attempted to intimidate the negroes by whipping and (in a few instances) by shooting them. This probably was but a case of retribution." Local chronicles reveal no retribution in this case. After the fall of Vicksburg all Confederate troops cleared out of the Deer Creek country, a section made up wholly of large plantations and no white men of military age remained. Knowing that they might rob and murder there with impunity, negro men from concentration camps at Blakeley and Roach's being under no restraint, and armed by the Federals, depredated on the citizens as reported to General Sherman.

The crime of the negro soldiers did not close with the end of the war. If their use then was abominable, their retention in the service after white Union volunteers were mustered out, for governing the Southern states, was atrocious. It was literally placing black heels on white necks. In further contradition of Mr. Blaine's defense of the negro soldiers the following instances of their conduct after the war are given: A dozen of the garrison at Hernando raiding and pillaging in the country were assailed by a party of citizens. One of the negro soldiers was killed and the rest only saved themselves by a wild flight to camp. In Vicksburg and Jackson there was a succession of disturbances and conflicts. A white man in the custody of Mayor Barrows of Jackson for killing a negro chicken thief, was taken possession of forcibly by a negro guard. In Artesia a negro soldier was shot and killed while engaged in pilfering. A train on the Mobile and Ohio railroad was held up by negro soldiers at Lauderdale and the passengers insulted and threatened. In Yazoo county a white citizen was tried before the military court for killing a negro soldier and acquitted. In another like case in the same county a citizen was sentenced to be hung. A squad of negro soldiers under a white lieutenant forcibly took one of their number from jail for assaulting and trying to kill a Bolivar county planter. In Kemper county a fray occurred between a citizen and a squad of negro soldiers trying to seize some cotton. A guard of negro soldiers was sent into the same county to arrest a citizen, who defied and drove them back to Meridian, arresting and holding one of their number. Thereupon a detachment of 150 soldiers was sent after him. They were met by Sheriff Gulley and a body of citizens and told that they should not arrest the citizen that they were after and they went back to Meridian without him. A negro soldier in Vicksburg assaulted a white woman on the street. He was arrested by a policeman, whom he knocked down and beat with his own club. A crowd of negroes tried to rescue the soldier, to whom the policeman had clung when some white men, including a number of white soldiers went to the help of the policeman and dispersed the negro mob. A few weeks later another riot was precipitated by a negro guard, who marched a white man through the streets beating him over the head because he had wounded one of their number. About the same date the following appeared in the Vicksburg *Herald:* "The habit of the colored patrol of marching in file on the pavement should be stopped. They seem to take a special delight in jostling citizens in the roughest manner when Washington street is crowded."

Editor News and Mississippian:

Dear Sir.—I desire to call the attention of your readers to an event which occurred here on this morning—leaving them to draw their own conclusions:

I was at the Market House about half past six A. M., where I saw some negro armed soldiers; enquiring their business, I was informed they were seeking to arrest Mr. W. W. Hardy, who had given some offense to a negro citizen. As a Justice of the Peace, I arrested Mr. Hardy myself. The negro guards took forcible possession of him and conveyed him to the penitentiary—I went to Major Barnes' quarters and stated the case to him, when he gave me an order for his release. Lieut. Caudel, officer of the guard, refused to obey the order, but stated he would deliver him on a requisition of the Governor. On my way to the Governor's residence I was arrested and immured in a cell in the penitentiary for about two hours.

I was in the lawful discharge of my duties as a Magistrate, and the above is a true statement of the case.

Geo. Dobson.

As a rule the military officers stationed in Mississippi at this period were true soldiers. The commander at Natchez, a Colonel Smith, was an exception to the rule. His influence and instructions to his negro soldiers were largely responsible for the outrages thus recounted in the city papers:

A Horrible Murder by Negro Soldiers.—We gave an account of the robbery of the house of Mrs. Rogillio, by some negro soldiers, in the *Democrat* of Saturday last. We were unable at that time to give our readers any clue to the fate of the young son of Mrs. R., who was taken away by the negroes on the night of the robbery. On Saturday last, his body was found three and a half miles from this city, on the Pine Ridge road, opposite the ground on which the Quitman barbecue was held several years ago. The hellish fiends had, it seems, tied the unfortunate young man to a tree in the woods, and there, after torturing him in a way too sickening to relate, put an end to his life by shooting him twice through the body.—Several arrests have been made, and the watch of the young man has been found in the possession of a soldier belonging to the 6th U. S. C. Artillery. The people of this place are determined that this kind of work *shall* stop *at once.—Natchez Democrat.*

Decision of Court Martial.—From a printed copy of General Court Martial Orders, No. 18, before us, issued from headquarters Department of Mississippi, we learn that the two negroes, Curtis Black and Munday Harper, privates in the 6th U. S. C. A. (heavy), charged with the murder (and accessory of the same) of Garrity, the policeman, March 13, have been acquitted.

Before the coroner's inquest the evidence of three or four gentlemen proved, without doubt, that the negroes mentioned above were guilty of the crime. We shall publish it, and our readers may form their own opinion as to the guilt or innocence of the parties.

How any court martial could acquit, when justice was looked for and promised, we cannot see; unless it be that the principles enunciated by Col. Smith, of the 66th regiment, have taken root, and the above is fruit from the seed sown by him.—*Natchez Courier.*

VICKSBURG, MISS., Oct. 21, 1865.

To his Excellency, Gov. Wells of Louisiana:

Enclosed please find an article which I hope you will give a careful perusal, and act in the case as you may deem best. James Hunter, the deceased, was my husband, and I am anxious that justice should be done me; but at this place, and from the hands of Col. Thomas and his subordinates, I am not likely to have it. When I asked for information of the murderer of my husband, I was ill-treated and thrust from the room. Your attention to this will greatly relieve a forlorn widow.

Respectfully,
Your obedient servant,
CATHERINE HUNTER.

Enclosed in the letter was a lengthy communication published in one of the Vicksburg papers, relative to the murder of Mrs. Hunter's husband. This communication being anonymous, we do not venture to repeat its statements further than to say that the murder was committed at De Soto, in this State, opposite Vicksburg, by a negro soldier, who it is charged was taken from the hands of the civil authorities by Col. Thomas of the Freedmen's Bureau at Vicksburg.—*N. O. Crescent.*

The same troubles were experienced in other states—in South Carolina there were greater outrages endured.

Provisional Governor Perry of South Carolina thus wrote the Secretary of State at Washington of the negro garrisons:

GREENVILLE, S. C., August 10, 1865.

DEAR SIR: I herewith communicate to you a paper received by me from the citizens of Pendelton, South Carolina, which I hope will receive some consideration.

The complaints are general throughout the State that the colored troops are a great nuisance, and that they do infinite mischief with the freedmen by misrepresenting the purposes and intentions of the government. They tell them that the lands are to be divided, that they are not to work for their employers, and that the white race is to be driven out of the country or exterminated. There is great apprehension of danger in the lower part of the State, and there have been serious disturbances with the freedmen.

It would be a happy thing if the colored troops in South Carolina could be removed or confined to the city of Charleston, where they are not capable of doing so much mischief.

The following is quoted from reconstruction in South Carolina by Jno. S. Reynolds: "In the town of Chester there were stationed two companies of negro troops. At times a bloody riot seemed imminent. Three black soldiers clubbed and bayonetted an old gentleman who died from the wounds inflicted. In Abbeyville a lady and gentleman using the sidewalk were approached by a negro soldier who had with him a negro woman, and rudely informed they must make way. The soldier's language was so obscene and his bearing so threatening that the lady deemed it best to get a guard of white soldiers at her home for the night. While the sentry walked his post in the hall, he was killed by a shot from negro soldiers, the shot evidently intended for the gentleman whose remonstrances had provoked insult in the afternoon. In Charleston a party of negro soldiers felled a lady of the house to the floor and were about to smash the furniture when arrested and carried off by white soldiers. In Beaufort district a party of negro soldiers visited a house occupied by ladies and committed acts too horrid to relate. Two of the brutes were apprehended, tried by miltary court and promptly hung. At Newbury Calvin Crozier, a paroled Confederate on his way home ordered a negro soldier away from offensive proximity to a young lady in the car. The negro refusing was put out, having received a cut in his neck in the altercation. He soon returned with some of his regiment. Crozier was seized, taken to camp and shot to death. Their colonel approved the act with the brutes dancing around his corpse." The people of Newbury erected a monument to the memory of this martyr of the abominable policy of negro troops, which bears the following inscription: "Calvin S. Crozier, born at Brandon, Mississippi, August, 1840. Murdered at Newbury September, 1865." A narrative of the murder is inscribed on the monument. The following is quoted from Governor Perry, of South Carolina: "I continued remonstrance to Secretary Seward on the employment of negro troops, gave details of their atrocious conduct. At Anderson they carried off a negro who had wantonly murdered his master. At Greenville they knocked down citizens in the streets without slightest provocation. At Pocotaligo they entered a gentleman's house, and after tying him violated the ladies." A report of the Pocotaligo outrage being handed him, General Meade said "he was opposed to negro troops and was trying to rid the army of them, but had to exercise great caution not to offend Northern sentiment."

Colonel Hawley, commanding the post at Asheville, North Carolina, reported May 7th, 1865: "The negro soldiers who committed rape, four in number, were shot yesterday before the regiment. Robberies and depredations are ceasing." General Tillson endorsed on the report: "The negroes executed were a party of four who went out of camp and committed a brutal rape on a young white woman, after nearly killing her uncle and aunt, two very old people, who tried to prevent the outrage. I am much gratified they have been found and shot."

President Johnson, whose conversion to the use of negro troops had been hailed by President Lincoln but little over a year before, wrote General G. H. Thomas, September, 1865: "I have information of the most reliable character that the negro troops stationed at Greenville are under little or no restraint and are committing depredations throughout the country and are in fact running the white people out of the neighborhood. The negro soldiery take possession of and occupy property in the town at discretion, and have even gone so far as to take my own house and convert it into a rendezvous for male and female negroes, making it in fact a common negro brothel. It was bad enough to be taken by traitors and converted into a rebel hospital, but a negro whore house is infinitely worse. As to the value of the house I care nothing for that, but it is humiliating in the extreme that it is a sink of pollution. The people of East Tennessee above all others are the last who should be afflicted with the outrages of negro soldiers."

Governor Brownlow, who had just been asking for troops at the polls, also wanted the state rid of negro troops. September 6th President Johnson wrote him: "I had just anticipated the subject referred to in your letter by dispatching General Thomas to relieve Tennessee of the difficulty you complain of." Gen. Thomas replied the same day by saying he would order the negro soldiers out of Tennessee, "either to Georgia or Alabama." General Thomas was by birth a Virginian, and when the war clouds first appeared a rabid Southerner. The violence of the change experienced on drawing his sword against his section was not unnaturally reflected in the severity of his feelings toward the conquered fellow Southerners, over whom he ruled. His worse than heartless indifference to their hard fate was shown in the words quoted. By the following he did not order the negro troops from Tennessee:

NASHVILLE, Tenn., January 2d, 1866.

Respectfully referred to Major-General Stoneman, Commanding Department of Tennessee, at Memphis, Tennessee, who will inform the Mayor of the city of Memphis and others in civil authority at that place, and the signers of this petition, that, if they and the courts are prepared to guarantee equal rights and justice to all men within their community, it will be time to consider the propriety of removing the troops, or of conceding to their request that only white troops be employed among them.

Until they are prepared to give such guarantee, it is not considered that they have any right to expect that their petition should be favorably considered, but that while their own conduct renders it necessary to keep troops among them, we must use such as we have, be they white or black, without regard to feelings or wishes on the subject

By command of Major General Thomas.

WM. D. WHIPPLE,
Brigadier General, A. A. G.

Writing General Thomas on the subject of negro troops President Johnson said that "it would exert much better influence if white troops were used to protect the country." That "in the event of insurrection they could not be controlled. It is believed there are numerous persons inciting the negro population to acts of violence, revenge and insurrection." All of the Federal commanders—Grant, Sherman, Canby—except Thomas, concurred in the President's view of the negro troops. In his reply General Thomas said the "negro soldiers were as a rule under good discipline. In the majority of collisions the white man had attempted to bully them." General Dana, who in his command of the Vicksburg district, had gained large experience with negro troops, wrote General Canby, May 9th: "Unless some white infantry is sent me I shall be compelled to detail colored troops at Jackson and Brookhaven. If this can be avoided it is advisable to do so."

The Louisville *Journal* adds its influence, in favor of the removal of the colored soldiers, for the following very forcible reasons:

> "The atrocious murder of a police officer on Friday night by drunken negro soldiers in this city seconds the appeal we put forth on Saturday for the removal of all negro soldiers from this city and State and the Southern States, and pleads more powerfully in favor of the measure than any words of ours possibly could. Will not the Government give its immediate attention to this subject? The President may rest assured that there is no division of sentiment in this State, in any Southern State, in reference to this matter."

Union citizens of the Paducah district urged Secretary Stanton to "give them immediate relief from the depredations of negro soldiers." Their communication recited that "small bodies of colored troops sent from Columbus, Kentucky, to Tennessee to recruit are committing unparalleled depredations. Shameful outrages are being inflicted on persons and property. They are breaking into court houses and public offices destroying records and papers. The losses from them in some instances exceed those of the war. Can you not give us immediate relief." This "relief" was given in sending the negro troops to Mississippi and Louisiana.

Fleming's Reconstruction in Alabama: "At Bladon Springs (in Alabama) some negro troops shot a Mr. Bass while he was in bed and beat his wife and children with ramrods. They drove the wife and daughter of a Mr. Rhodes from home and set fire to his house. The citizens fled from their homes which were pillaged by the negro soldiers. The trouble originated in the refusal of the white people to associate with white officers of negro troops. These troops had little respect for their officers and threatened to shoot them. At Decatur they shot into and plundered homes of the whites. In Greensboro a white youth struck a negro who had insulted him, and was in turn slapped in the face by a Federal officer whom he at once shot and escaped. The negro population, led by the negro soldiers, entered every house in town, seized all the arms and secured as hostage the brother of the escaped man. A gallows was erected and the boy was about to be hanged when his relatives received an intimation that money would secure his release. Ten thousand dollars was secured and sent to the officers in command. The young man was released."

The Memphis *Avalanche* of the 29th says:

We learn of Dr. Carr, who arrived from White river yesterday morning, that a violent demonstration was made against a passenger on the steamer Commercial, at Helena, by a squad of negro soldiers, who came down in force to prevent the passenger with whom they had a difficulty the evening before, from embarking on the steamer. The symptoms being unfavorable, however, the negroes, though extremely boisterous and profane in their wholesale denunciations, wisely confined their demonstrations among themselves, one portion trying to prevent another portion from boarding the boat, against which they are reported to have sworn vengeance. There is some reason to fear a preconcerted attack of negroes on both the steamers Commercial and Justice, against which, it is said, the negroes of both Duvall's Bluff and Helena have sworn vengeance.

Daring Outrage of Colored Soldiers.—On Monday evening, as Miss Luberbier, the daughter of a prominent citizen of Jefferson parish, was proceeding on foot to a ball given at Carrollton, she was seized by several colored soldiers, who attempted to carry her forcibly to their camp at Greenville. Her screams alarming the neighborhood, several men came to the rescue, and the soldiers, seeing themselves about to be detected, fled. The young lady is utterly unable to recognize any one of them, and in consequence no attempt has been made to ferret out the offenders. They had pursued her almost to her own door before she was seized.—*New Orleans Times.*

Writing to General Grant from Richmond, April 29th, 1865, General Halleck said:

"General Ord represents that want of discipline and good officers in the 25th corps (colored) renders it a very improper force for the preservation of order. A number of cases of atrocious rape by these men have already occurred. Their influence on the colored population is also reported to be bad. I therefore hope you will remove it to garrison forts or for service on the southern coast."

On the next day General Halleck wrote:

"On further consultation with General Ord, I am more fully convinced of the policy of withdrawal of the 25th corps from Virginia. Their conduct recently has been even worse than I supposed."

May 1st General Halleck wrote Gen. Ord:

"The 25th corps will be put into a camp of instruction at City Point or Bermuda Hundred. No more colored troops will be enlisted."

May 13th General Hartsuff, commanding at Petersburg, near City Point, where the negro troops were in camp, wrote their commander:

"Many complaints are made at this headquarters of depredations by soldiers of the 25th corps, consisting principally in destruction of buildings and exciting the colored people to acts of outrage against persons and property of white citizens. Colored soldiers are reputed as having straggled about ordering negroes not to work, and that if they had not arms to use against their former masters that they (the soldiers) would furnish them."

On May 17th General Grant ordered the quartermaster's department that ocean transportation be provided for this corps, of about 20,000 men, with as little delay as practicable; and inform General Hallack when it would reach City Point. And the last of this corps of black white elephants sailed for Texas June 26th.

The only apprehension of race collision immediately subsequent to the close of the war and the emancipation of the slaves, was due to the negro garrisons that were stationed in Mississippi and others of the states "lately in rebellion." On these the white people looked with involuntary and undisguised aversion and detestation, which was returned with show of insolence as far as it was safe to carry it. The whites were bitterly resentful of the elevation of their recent slaves over them, while the negroes were just as naturally puffed up by the sense of protection and authority the uniform conferred.

An interesting and vexatious issue of the times was the status of some millions of cotton bonds and notes issued during the war in consideration of cotton pledged for future delivery. The notes served as currency, and were made receivable for taxes. Resting on the basis of cotton they were thought more secure and desirable than Confederate notes, and by the close of the war they were being so held and hoarded. Even after the war had closed, when all notes, bonds, etc., "issued in aid of rebellion" had been outlawed by the Federal power, speculators had enough faith in the validity of the state cotton, or treasury notes to buy them up at twenty or thirty cents on the dollar. These notes were besides still being tendered, according to their express terms, in payment for taxes. The discussion of the question of the validity of the cotton issues became acute, when Governor Humphreys issued a proclamation, January 8th, 1866, requiring all persons to whom advances in circulating notes had been made to deliver the number of bales of cotton on which they had received such advances.

The amount outstanding when Governor Humphreys issued his proclamation, in accordance with law, calling for the redemption of the cotton bonds, was four millions nine hundred and ninety-one thousand seven hundred and seventeen dollars and fifty cents ($4,991,717.50). Up to this time, about two millions four hundred thousand dollars of the bonds had been redeemed. About two millions and a half were unredeemed. Under the law, it was made the duty of the Governor to institute suit to enforce their payment. The terms of the law required that parties sued would be liable for double the amount of their bonds. Ninety days notice had been given, and the time had expired. However, Governor Humphreys instructed the State Treasurer to continue to cancel the bonds of all parties offering to pay the amount of their indebtedness. This discretionary power was left him under the act.

The consideration secured from the state had been outlawed, and much of the very cotton pledged by the growers in patriotic support of the government had been burned to prevent its falling in the hands of the enemy, by orders of the state or Confederate authorities. Nevertheless the proclamation demanding settlement was in compliance with the law. But so manifest was its inequity that compliance was not enforced. The following illuminating passage from a Jackson correspondent to the Vicksburg *Herald* is quoted:

> The cotton bonds and money advanced thereon, continue to engage the attention of the bulls and bears in this vicinity. A great many persons are speculating in it, more or less. A dollar in cotton money has been for some time valued at prices ranging between twenty and thirty cents in United States Treasury notes; twenty-two cents, at present, is freely offered, while some are selling at twenty-five, and at prices above that figure. About three millions of the five authorized remains in circulation. During this month the daily payment has averaged over ten thousand dollars. Today forty thousand dollars, and frequently before as much as twenty thousand dollars, has been paid. It is a noticeable fact that very few can be found among those who favor the redemption of these bonds, who have received an advance on their cotton; and that it is even more difficult to find, among those who oppose the same measure, persons who have *not* received this advance.

While opinion was largely ranged according to the point of view, it was assuming too much to claim that the alignment was wholly governed by self-interest. There was plausible argument at least on both sides. It was contended by those who held the notes involved that they were in fact, if not in terms, intended to aid the rebellion—that they were notoriously issued to enable the state to maintain the position she had taken as one of the Confederacy—to supply a general circulating medium, or currency, that the people might pay taxes—without which the state government could not be kept up. As to the obligation of the cotton producers to deliver cotton in consideration of the money, or notes so delivered to them and which they had used in buying and selling, the redemption of that obligation had been made impossible. And that, besides, it was a poor and ungenerous argument to urge against the planters, that as a class they received advances from the state which were beyond the reach of other citizens, and that any legislation to protect them from the payment of these cotton bonds would be class legislation; and especially as they had suffered most by the war. Deprived of slaves, it was argued, their houses and barns burned; their fields laid waste; their lands (all the property left them) greatly depreciated in value; their stock killed or stolen—shall they now be oppressed, when the prosperity of the state and of the people depends upon their prosperity? Shall the misguided acts of officials, or the howl of speculators impair and cripple this "bone and sinew" of the land, at a time when they are struggling against extraordinary oppression and adversity? No! Common justice and the law of the land forbid it. And that while the Governor in issuing his proclamation for them to come forward and settle up believed he was required to do so by the law, he was wrong in his judgment.

The other side, that which urged the validity of the bonds, or notes, stood on the letter of the law. While this was enacted during the war it could not, it was urged, be called a war measure—that there was not a word in the statute indicating that the measure was designed to aid the rebellion; none of the cotton or the funds arising from a sale thereof, was to be applied to war purposes—but, on the contrary, "Treasury Notes," (as the act called this "cotton money") were simply to be issued "to the people of the state," on the security of the cotton pledged, according to the provisions of the statute. As the Confederate governmen was not strictly aided in its military or civil operations the law and the notes were not restricted. As to the plea that the act was not enforcible by reason of the destruction of the cotton, it was understood that there was no pledge of any designated cotton bales for the satisfaction of the bonds. There was no change of ownership or possession. The party asking for an advance, merely applied by petition, under oath, to the auditor.

stating therein the number of bales, with their weight, brands and numbers then in his possession, and upon which there was no lien or incumbrance, and he received an advance upon such portion of that cotton as he desired to pledge, as a security for the advance, without naming or designating what particular bales were to be delivered to the state. The receipt for the advance, signed by the party obtaining it, states that the cotton pledged is to be safely kept and delivered; and the law declares that the same, "until sold, shall remain at the risk of the party receiving said advance."

This is a brief of the two opposing sides of the cotton money question. The proclamation of Governor Humphreys did not imply that he accepted either the one view or the other. He simply followed the course the law imposed on him. Had he acted otherwise he would have gone beyond the jurisdiction of the executive and trespassed on that of the judicial department. He simply put the decision of the case up to the courts, where decision belonged.

The issue was made up by the sheriff of Hinds county who refused a tender of a cotton note in payment of taxes, alleging it was "issued in aid of the rebellion." The contention was transferred to the courts. The sheriff was sustained after a delay of several years, by the High Court of Errors and Appeals, which cut the ground from under the war money as issued in aid of the rebellion. The loss fell chiefly on speculators or persons purchasing the notes at a great discount, to dispose of them for payment of taxes.

In Southern calendars 1865 marks a year of crowning calamity. The remorseful gloom of defeat, mingled with grief for the slain and maimed, the ruin of fortune, the devastated homes, the wreck of the industrial system on which all business pursuits pivoted, was a test to make the strongest hearts quail. The passing under the rod has been thus pictured by the gifted Carmack: "The South is a land that has known sorrow, it is a land that has broken the ashen crust and moistened it with tears, a land seared and riven by the plowshares of war and billowed with the graves of her dead. But the South is a land hallowed by heroic memories." In the days of 1865 when the sorrow and tears were ever present realities, there was slight alleviation in the "heroic memories" from which so much solace has been derived since. The vain sacrifice and suffering, the ruin and despair hung too closely and heavily over the land. There was comfort, it is true, in the fact that at last "the cruel war was over," and a grief tinged joy in the return of the vanquished soldiers. The home-comings of the survivors was a silver lining of the dark cloud which obscured the rays of hope in 1865.

So unpromising was the future of the state that many of the most enterprising youth left to seek their fortunes in the West and North. Some returned, but the loss of those who did not was severe. The general material progress toward reunion was slow. November 30th, President Johnson, by proclamation, restored the treasured writ of habeas corpus, which had been suspended by President Lincoln, but excepted from his proclamation the Southern states, where it had been effaced by conquest. Little progress had been made by the close of the year toward the restoration of mail service in the South. Only nineteen post offices were regularly opened in the state.

Though at this period, pending the assemblage of congress, there was no acute fear of the Southern future other than that pertaining to the doubts and difficulties of adjustment of labor conditions with the freeing of the slaves. It was the common belief that the President's plan of reconstruction would, with immaterial modification perhaps, be approved by congress. This faith was little disturbed by radical utterances and publications, prior to the beginning of the session, which owing to scanty mail facilities did not reach the Southern interior. Hope was fed on the following letter from Secretary of State Seward to Governor Sharkey:

Department of State,
WASHINGTON, December 4, 1865.

Sir: The time has arrived when, in the judgment of the President of the United States, the care and conduct of the proper affairs of the state of Mississippi may be remitted to the constitutional authorities chosen by the people thereof, without danger to the peace and safety of the United States. By direction of the President, therefore, you are relieved from the trust which was heretofore reposed in you as provisional governor of the State of Mississippi. Whenever the governor-elect shall have accepted and become qualified to discharge the duties of the executive office, you will transfer the papers and property of the state now in your custody to his excellency, Governor Humphreys.

It gives me especial pleasure to convey to you the President's acknowledgment of the fidelity, loyalty and discretion which have marked your administration.

A letter similar to this was written each of the Governors appointed by President Johnson; that to the Governor of Alabama, which is given below, having a special and significant clause. Founded upon his prominence in the Republican party for many years, being looked upon as the heir to Lincoln's leadership, unaware that his influence and high position had already been fatally undermined, there was a most inflated idea of the weight of Secretary of State Seward's influence over affairs. Mr. Seward was apparently little less aware of the change than others. A Washington press dispatch showing how poorly Mr. Seward read the signs and portents is noted. A meeting of the Southern delegates December 20th, who "resolved to go home and remain until March 4th, at any rate. On the succeeding day the secretary of state, in conversation with Senator Segar of Virginia, said the Southern members would be admitted on the reopening of the session, after the holidays, and requested him to return by that time if he left the capital." How the Southern people were influenced by Mr. Seward's letter to the Southern Governors is reflected in the following Vicksburg *Herald* editorial, commenting on the one to Governor Sharkey:

This is a pledge by the Secretary of State, under the authority of the President, that our people have been restored to self-government. Neither the President nor the Secretary of State need fear that this power will be abused. There is more anxiety here for a reign of peace than exists at Washington. We have known war in its worst form, and are extremely averse to a renewal of it. We ask nothing but that we shall be let alone, to gather from the embers of our ruin such remains as shall serve to restore us to shelter and a reasonable degree of comfort.

This letter of Mr. Seward has a clear significance which shows to us, imperfectly, perhaps, that the President, while being in antagonism with the majority of Congress, is resolved to hold his position at any hazard, and so, today, we are less apprehensive of the future, or, rather, the wickedness of the controlling force of Congress.

The President has power equal to that of the Emperor of France. If he have the stern will to use this power for public good, he can make of the congressional giant a mere pigmy. We think that he has the will, and, therefore, we gather heart and look to the future with more hopefulness. He can save us from harm.

Alas, the time was soon to come to prove the President's impotence against congress, "to save us from harm"—that

"Hope told a flattering tale,
Delusive, vain and hollow."

Other false lights were held out—vide the following:

WASHINGTON, Dec. 3, 1865.

To the Governor of Alabama:

The president congratulates you and the country upon the acceptance of the constitutional amendment of the constitution of the United States by the state of Alabama, which state being the 27th, fills out the completion of the two-thirds, and gives the amendment finishing effect as part of the organic law of the land.

W. H. SEWARD.

These communications were looked upon as a sure precursor of the admission of the Southern representatives and congressmen, and the full re-establishment of the relations of their states with the Union. The expectation having failed, it was bitterly asked that, if Alabama could vote to amend the constitution of the United States, was it not the height of inconsistency and tyranny to say that she could not vote in congress upon the adoption of laws subordinate to that constitution?

A non-political forward step toward the reunion goal is here noted: Secession of the Southern states, the strife over the slavery question and the war, had extended divisional lines in the religious as well as political field. The prayer in the Episcopal service for "the President of the United States and all in civil authority," had been changed by substituting "Confederate" for "United." October 20th certain Southern bishops published a letter announcing their attendance upon the general church convention of the United States, contained the statement that "we see nothing to hinder the renewal of the relations formerly existing in the church." This view was generally adopted. And soon afterward Bishop William Mercer Green of Mississippi sent out a letter which closed as follows:

> In order to show a becoming desire to meet the wishes of our Northern Brethren, and also to relieve our people from the suspicion of disloyalty to "The Powers that be," I now request my Brethren of the Clergy to return to the use of the *"Prayer for the President of the United States and all in civil authority."* This I was unwilling to do so long as we were threatened with dictation from either the civil or military authority. But as no assumption of power is any longer to be apprehended, and as our State is now measurably possessed of her Constitutional rights, I now cheerfully recommend the use of that prayer.

There was a serious and a singular complication in Alabama, where the department commander, General Geo. H. Thomas, had, in September, ordered that the bishop and the clergy of the Episcopal diocese be suspended from their functions and forbidden to preach or perform divine service, and their places of worship be closed because of the omission of that part of the prayer service asking the divine blessing upon "the President of the United States and all in civil authority." In a lengthy general order this was declared to show "a factious and disloyal spirit." A congregation at Montgomery attempting to worship in a school house, was driven out by a company of soldiers. Being appealed to by Bishop Wilmer, the President directed General Thomas to revoke his order, which figures as one of the most despotic and brutal in reconstruction history. General Thomas' compliance, Dec. 22nd, with the President's order, was in spiteful spirit, graceless, churlish and insulting; concluding by leaving Bishop Wilmer to that "remorse of conscience consequent on the exposure and failure of the diabolic schemes of designing and corrupt minds."

The difference between the malevolent and tyrannical rule of General Thomas and the just and magnanimous administration of office by General T. J. Wood, is to be read in a comparison of the following considerate general order, with the Wilmer letter:

GENERAL ORDERS No. 40.

The President of the United States having designated Thursday, the seventh day of December next, as a day of Prayer and Thanksgiving, for the restoration of peace, and for the blessings of an abundant harvest; no military duties will be required on that day, in this department, except those absolutely necessary.

The troops will be paraded in the morning and the President's Proclamation read to them.

Divine service will be held by the Chaplains of posts and regiments.

The clergy are requested to open their churches, and citizens generally to close their places of business on that day.

The commanding officers of districts will take measures to carry this order into effect in their respective districts.

By command of Major General Wood.

There was little of the spirit of thankfulness in the popular heart at this time. But there is a vast difference in being "requested" and in being ordered, from one who had the power to order. It was a difference that marked all of General Wood's communications to the people of Mississippi while he exercised command in the state. He had no eyes or ears for the hiatus in sacerdotal loyalty which so raised the ire of General Thomas. This state was peculiarly favored above her neighbors in having General Wood for a ruler in the trying years of 1865 and 1866.

The reconstruction program was formally and unmistakably revealed on the assembling of congress. While the lurid flashes of lightning and the distant mutterings of thunder from the clouds gathering upon the horizon had set the storm flag flying, the talk of the President and Mr. Seward's notes had lulled the majority of those who lived in the pathway of the storm into a false sense of security. That fatuity was now to be dispelled. Congress met December 4. Of the temper of the majority leaders, the plan of reconstruction they had determined upon, there was quick and clear revelation. To the radical exponents the war had but opened the way to the consummation of race equality in the South; the establishment of negro suffrage through which the hated rebels would be punished, and the permanency of Republican supremacy be assured. James G. Blaine is quoted to show the implacability of the Republican congress at its opening toward the South, and the President's provisional governments. Of an address aimed to feed the sectional fires which Speaker Colfax delivered in opening the session, the following is quoted from "Twenty Years of Congress," page 112, Vol. II: "The remarks of Mr. Colfax had evident reference to the previous action of Southern rebels and were so entirely in harmony with the feelings of the house that at different stages of the brief address the Republican side broke forth into loud applause. As soon as the election of speaker was completed Mr. Thaddeus Stevens, recognized as the leader of the majority, offered a resolution," etc. The resolution is here quoted:

> "*Resolved, by the senate and house of representatives in congress assembled,* That a joint committee of fifteen shall be appointed, nine of whom shall be members of the house and six of the senate, who shall inquire into the condition of the states which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either house of congress, with leave to report by bill or otherwise; and until such report shall have been made and finally acted upon by congress, no member shall be received in either house from any of the said so-called Confederate states; and all papers relating to the representatives of the said states shall be referred to the said committee."

The Stevens resolution, introduced and adopted in the house as the first act of the first day of congress, may be truthfully styled as the germ of all our woes. It was amended in the senate by striking out the last clause, not that it was in itself objectionable, but that it touched on prerogative. The names of the committee members destined to a more than dubious fame, as architects of the reconstruction abomination, are given as follows: Senators Wm. J. Fessenden, of Maine, chairman; Jas. W. Grimes, Iowa; Jacob M. Howard, Michigan; Geo. H. Williams, Oregon, Republicans, and Reverdy Johnston, Democrat, Maryland. Representatives Thaddeus Stevens, Pennsylvania; Elihu B. Washburn, Illinois; Justin V. Morrill, Vermont; John A. Bingham, Ohio; Roscoe Conkling, New York; Geo. S. Boutwell, Massachusetts; Henry T. Blow, Missouri, Republicans; A. J. Rodgers, New Jersey, and Henry Girder, Kentucky, Democrats. Upon the introduction of the resolution there was a motion to defer action until the President's message was read; which was according to the precedents and the proprieties. But, says Mr. Blaine, "the house was in no disposition to testify respect to Mr. Johnson." With a full knowledge that the resolution looked to the overthrow of the provisional governments and a substitution of a pure despotism over the Southern states, the motion was voted down four to one. The adoption of the resolution was by a similar vote. This action shows that not only was there no thought or disposition to treat with the President, congress met with the Republican majority literally "spoiling for a fight." The senate was every bit as belligerent as the house.

The platform on which Mr. Colfax was elected will be read in the report, in the Chicago *Republican,* of a speech he delivered in Washington November 18th. Such a keynote of the Republican majority furnishes definition and proof of the issues confronting the President and his reconstruction policy.

> WASHINGTON, November 19.—The speech of the Hon. Schuyler Colfax, last night, has made quite a sensation, it being considered as, in a great measure, the key-note of the action of the Republicans in Congress, and indicating clearly—
>
> *First*—That no Southern rebel State will be admitted upon the floor at that organization.
>
> *Second*—That no work or reconstruction will be recognized until, after mature deliberation, that action is submitted to and ratified by the people at the polls, in such manner that the North will have an assurance of their honesty.
>
> *Third*—That the test oath will be enforced for years to come.
>
> *Fourth*—That the organization of the Union party will not be abandoned upon any consideration.
>
> *Fifth*—That the President has made demands upon rebel States to comply with certain conditions that he deems necessary to reorganization; that Congress will approve of that much, but will go further and demand more, and in that they will be sustained by the people; that the question of negro suffrage will not be made a primary consideration, but will fall in due time;

that, though many men have paper pardons in their pockets, the people have not yet ratified them.

Of this rancorous speech there is virtual avowal on page 112, Vol II, of Blaine's "Twenty Years in Congress." In "the senate," this history says, "the proceedings were conducted with even more disregard for the President. An entire policy was outlined by Mr. Sumner without the slightest reference to what the President might communicate 'on the state of the union,' and in absolute hostility to the one that Mr. Johnson had devised." On page 113, "No action of a more decisive character could have been taken to indicate, on the threshold of congressional proceedings the hostility of the Republican party, not merely to the President's plan of resconstruction but to the men who, under its operation in the South, had been chosen to represent their districts in congress. The presence in Washington of a considerable number of men from the South who, when congress adjourned in March were serving in the Confederate army and were now at the capital demanding seats in the senate and house, produced a feeling of exasperation amounting to hatred." The men chosen from Mississippi to congress had all been pronounced against secession. None had been prominent in war. Neither of her senators had been Confederate soldiers. The other Southern states had pursued a like policy, of sending men to congress who would least tempt congressional "exasperation." The treatment of the South, the policy proposed by the radical leaders was far more deeply rooted than in any passing "exasperation" or especial provocation. It was the same plan which radical leaders had asserted in Lincoln's life. Of the purpose and outline of their work no secret was made. It was clearly declared in "the policy outlined by Mr. Sumner," closely following the opening of the session, which embraced five certain conditions. "While, not put forth as a finality," ("Twenty Years in Congress," p. 113, Vol. II) "they were significant if not conclusive of the demands which would be made, first by the more advanced Republicans, and ultimately by the whole party." These five "conditions were: The complete re-establishment of loyalty as shown by an honest recognition of the unity of the

Republic and the duty of allegiance to it at all times without mental reservation or equivocation of any kind; the complete suppression of all oligarchical pretensions and the complete enfranchisement of all citizens, so that there dare be no denial of rights on account of race or color; the rejection of the rebel debt, etc.; the organization of an educational system without distinction of race or color; the choice of citizens for office whether national or state of consistent and undoubted loyalty," etc. There was no extreme of tyranny that could not be framed out of this code of loyalty. Quotation from Mr. Blaine is continued: "In December, 1865, the great body of Republicans would have preferred to work with Johnson, if he had agreed with them as to certain guarantees rather than to follow Sumner and Stevens." The congressional proceedings at the very opening of the session refute the assertion that "the great body of Republicans would have preferred to work with Johnson" under any "guarantees" short of accepting the policy of Sumner and Stevens. Their malign and inflammatory appeals readily and at once enlisted the applause and following of all but a moiety of Republican congressmen. Thus and then the bitter contest was initiated—the dire and distressing war penalties generated.

The President's message led off with an exhaustive statement concerning the binding force of the constitution and the relations thereunder of the states and the general government. His argument on that point was given the following application:

"I have thus explained my views of the mutual relations of the constitution and the states, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the commencement of my administration. It has been my steadfast object to escape from the sway of momentary passion and divine a healing policy from the fundamental and unchanging principles of the constitution. I found the states suffering from the effects of a civil war. Resistance to the general government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and their armies were in the occupation of every state which had attempted to secede. Whether the territory within the limits of these states should be held as conquered territory, under military authority, emanating from the President as the head of the army, was the first question which presented itself for decision. Now, military governments, established for an indefinite period, would have offered no security for the early suppression of the discontented, and would have divided the people into the vanquishers and the vanquished—would have envenomed hatred, rather than restored affection, and would have entailed an incalculable and exhausting expense."

This sketch of the situation that ensued upon the surrender of the Southern armies formed the basis of the President's position upon the provisional governments he had set up. He announced the complete acceptance by the South of the verdict of the war—emancipation and reunion. "In all the states," he said, "civil authorities have superseded the coercion of arms—the animosities of war are repeatedly yielding to the kindly effects of unrestricted social and commercial intercourse." The "one thing that yet remained to be done before the work of restoration was completed was admission of congress of the senators and representatives of the states whose people had rebelled." He expressed deep regret in this omission, and impressively urged their admission on congress. He reminded congress that the purpose of the war, as he stated it, was that announced by his predecessor. The President dwelt especially upon the step taken in inviting the states to participate in the adoption of the thirteenth amendment to the constitution. Acceptance of this invitation was submitted as an act entitling the Southern members elected to admission to congress. The parting of the ways of the President and the radical majority came in the following, wherein the President defended his position upon the question of negro suffrage:

> "The relation of the general government towards the four million of inhabitants whom the war has called into freedom, have engaged our most serious consideration. On the propriety of attempting to make the freedmen voters by the proclamation of the executive, I took for my counsel the constitution itself, the interpretation of that instrument by its authors and their contemporaries, and recent legislation by congress. When at the first movement toward independence, the congress of the United States in-

structed the several states to institute governments of their own, they left each state to decide for itself the conditions of the employment of the elective franchise. During the period of the Confederacy, there continued to exist a very great diversity in the qualifications of electors in the several states, and even within a state a distinction of qualification prevailed with regard to the officers who were to be chosen. The constitution of the United States recognizes their diversities, when it enjoins that in the choice of members of the house of representatives of the United States, the electors in each state shall have the qualifications requisite for electors of the most numerous body of the state legislature. After the formation of the constitution, it remained as before the uniform usage for each state to enlarge the body of its electors according to its own judgment, and under this system one state after another has proceeded to increase the number of its electors, until now universal suffrage or something very near it, is the general rule. So fixed was this reservation of power in the hands of the people, and so unquestioned has been the interpretation of the courts, that, during the civil war, the late President never harbored the purpose—certainly never avowed the purpose—of disregarding it, and in the acts of congress during that period, nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure, by the executive, from a policy which was so uniformly observed. Moreover, a concession of the elective franchise to the freedmen, by act of the President of the United States, must have been extended to all colored men wherever found, and he must have established a change of suffrage in the Northern, Middle and Western States, not less than in the Southern and Southwestern.

Such an act would have created a new class of voters, and would have been an assumption of power by the President, which nothing in the constitution or laws of the United States would have warranted. On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several states. They can each, for itself, decide on the measure, and whether it is to be adopted at once and absolutely, or introduced gradually and with conditions. In my judgment the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the states than through the general government, even if it had power to intervene. When the tumult of passion that has been raised by the suddenness of the social change has subsided, it may prove that they will receive the kindliest usage from some of those on whom they have heretofore most closely depended. But while I have no doubt that now, after the close of the war, it is not compatible for the general government to extend the elective franchise in the several states, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to claim the just reward of their labor."

Whatever may be thought of the President's policy, his statement of it was certainly no challenge to combat. Argumentative rather than assertive, moderate in tone, it was at least entitled to respectful reception and reply from opponents. Bitterly radical as the Chicago *Tribune* was, it said through its Washington correspondent: "The general comment on the message may be expressed in the frequent recurring phrase: 'Well, it is a tolerably good message—better a good deal than we had reason to expect.'" Rhodes says of the message, pages 546 and 548, of History of the United States: "The excellent style and tenor of this message met in a conciliatory way the hostile or critical attitude of a part of congress. The message was well received by every one except the extreme radicals." "It was a message," says the *Nation,* "which any Democrat as well as any American may well read with pride." On the next page in apparent and incomprehensible contradiction to his tribute to the President's message, Rhodes says: "Approval of the President's policy was impossible. Republican senators and representatives were jealous of the prerogatives of their body and were at one in the opinion that a business so important should be managed by the joint action of congress and the executive. The part of the President should have been by friendly co-operation to make the senate and house conditions less difficult of acceptance by the South."

If it is admitted that congress was justified in contending for its prerogatives, the question was at least debatable. In proceeding with the work of reconstruction without convening congress in special session Johnson but adopted the theory that Lincoln had emphatically asserted in dealing with the cases of Arkansas and Louisiana in 1864. On that occasion, according to Blaine's "Twenty Years in Congress," page 43, Vol. II, senators and representatives who disagreed with him "raised no contest, because they found the people united and enthusiastic in support of Mr. Lincoln." Having in mind the following words of Lincoln in his last cabinet meeting, the day before his tragic and untimely death, there was no reason in the denunciation heaped on his successor for not deferring the provisional government to congressional "prerogative." "I think it providential that this great rebellion is crushed just as congress has adjourned, and there are none of the disturbing elements of that body to embarrass us. If we are wise and discreet we shall reanimate the states and get their governments in successful operation, and the union re-established before congress comes together in December." The states had been "reanimated" by President Johnson, hewing strictly, according to all constructions of his predecessor's utterances bearing on the question, to Lincoln's lines. And yet Blaine says there "would have been no conflict with congress had Lincoln lived," when the conflict with the same men that flew at Johnson when congress met, began before Lincoln so untimely and calamitously passed from earth. "We must extinguish our resentments if we expect harmony and union," he said, in the cabinet meeting above referred to. "There is too much of a desire, too, on the part of some of our good friends to be masters, to interfere with and dictate to these states, to treat people not as fellow citizens; there is too little respect for their rights. I do not sympathize in these feelings." Johnson, like Lincoln, and Seward, proceeded upon the idea of the indestructibility of the states. No compromise seems possible between that view and the one held by Stevens and Sumner—that the Southern states "were dead." "Had Lincoln lived" the conflict might have resulted differently, though this is doubtful. But there can be no doubt that Lincoln's living would not have prevented a conflict with the men in whose feelings he "had no sympathy." This want of "sympathy" had appeared in his withholding his signature from a reconstruction bill adopted by congress a year before the end of the war. He followed it up by a proclamation, July 8th, 1864, in which he adhered to his own plan, "propounded by proclamation in December last." He objected to the bill because he "was unprepared to be inflexibly committed to any single plan of restoration, or to have the governments already adopted and installed in Louisiana and Arkansas set aside and held for naught" (by it) "or to declare a constitutional competency in congress to abolish slavery in the states." "Union, Disunion and Reunion," by S. S. Cox, page 341, is quoted: "The proclamation of Mr. Lincoln with reference to reconstruction * * * gave rise to great dissatisfaction among some very earnest Republicans. It was in this connection that Senator Wade of Ohio and Representative Henry Winter Davis published a vigorous protest. It arraigned the conduct of the President, * * * charged him with having perpetrated 'a studied outrage upon the legislative authority of the people.' Nevertheless a bill similar to the one Lincoln refused to sign, failed in the next congress. The conflict slumbered until it came to Johnson to tread the path of prerogative and reconstruction Lincoln blazed.

With the message for his text Thad Stevens delivered gauge of battle to the President. His speech, December 18th, 1865, was the opening gun of a struggle that showered calamities and curses on the South, and that for many years perpetuated and deepened the lines of political sectional division. He said in enumerating his views upon the status of the Southern states, and of their treatment. "They must," he said, "come in the Union as new states, or remain out conquered provinces. * * * As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial government. There they can learn the principles of freedom, and eat the fruits of foul rebellion. * * * In territories congress fixes the qualifications of electors; and I know of no better place, nor better occasion for the conquered rebels and the conqueror to practice justice to all men, and accustom themselves to make and obey equal laws. * * * According to my judgment they ought never to be recognized as capable of acting in the Union, or of being counted as valid states until the constitution shall have been so amended as to * * * secure perpetual ascendancy to the party of the Union."

From discrediting the President's reconstruction plan he proceeded to elaborate his own. Discussing the future representation to be accorded the South, he suggested changing the basis "to actual votes"; that unless the Southern states gave suffrage to the negroes their representatives should be reduced accordingly. "With the basis unchanged," he said, they will at the very first election take possession of the White House and the halls of congress. I need not depict the ruin that would follow. Assumption of the rebel debt or repudiation of the Northern would early follow. The oppression of the freedmen; the re-amendment of their state constitutions and the re-establishment of slavery would surely follow." This budget of horrors he concocted Mr. Stevens would arrest by adopting what subsequently materialized in the 14th amendment. "It is plain," he said, "that this amendment must be consummated before the defunct states are admitted to be capable of state action, or it can never be. If we have not yet been sufficiently scourged for one national sin to teach us to do justice to all God's creatures without distinction of race or color, we must expect the still more heavy vengeance of an offended Father, still increasing his affliction, as he increased the severity of the plagues of Egypt, until the Tyrant consented to do justice, and when the Tyrant repented of his reluctant consent and attempted to re-enslave the people, as some Southern Tyrants are attempting to do now, he filled the Red Sea with broken chariots and drowned horses and strewed the shores with the corpses of men. Sir, this doctrine of a white man's government is as atrocious as the infamous sentiment that damned the late chief justice to everlasting fame, and I fear to everlasting fire." Thus this extraordinary man, as described by S. S. Cox, "unfolded with no unmusical nor unimpressive voice his audacious, sweeping and vindictive policies. History demands its reproduction for it presents the whole architectural design of racial reconstruction."

Above all of the avengers who counseled and concerted together for the punishment and degradation of the South, Thaddeus Stevens towered like Lucifer in the Satanic court. "He was," says S. S. Cox, in "Three Decades of Federal Legislation," "even more than Judge Howe or Mr. Sumner, the constructionist of the new order and the obstructionist to rebuilding of the older. In the house of representatives, early in the First session of the 38th congress—on the 5th of December, 1865, he arose to dictatorship. He commanded universal party obedience. That congress had its Washburns, its Wilsons, its Binghams, its Shellabergers, its Blaines. It had but one Thaddeus Stevens. This man was not superficial. He was profound. He knew that the times called either for retrogression, from the war policies or organic and risky forwardness. He would not carry out the constitution. He would at least amend it." Stevens was destined to prove the avenging spirit of the South's "Philippi."

In the meantime a resolution was introduced in the senate calling on the President for information of "the condition of that portion of the United States lately in rebellion," etc.—to furnish to the senate "copies of such reports as he may have received from the officers or agents appointed to visit this portion of the Union, including especially any reports from Maj. Gen. Carl Schurz." In complying with this request Mr. Johnson also invited the attention of the senate to a report of Lieut. Gen. Grant, who had just returned from a tour of inspection though the South.

Replying to the Senate enquiry the President said:

> That the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Tennessee, have reorganized their respective state governments and "are yielding obedience to the laws and government of the United States" with more willingness and greater promptitude, than under the circumstances could have reasonably been anticipated. The proposed amendment to the Constitution, providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of these states, with the exception of Mississippi, from which no official information has been received, and in nearly all of them measures have been adopted, or are now pending to confer upon freedmen the privileges which are essential to their comfort, protection and security.
>
> In "that portion of the Union lately in rebellion" the aspect of affairs is more promising than in view of all the circumstances could well have been expected. The people throughout the entire South evince a laudable desire to renew their allegiance to the government, and to repair pursuits, and abiding faith is entertained that their actions will conform to their professions, the supremacy of the constitution and the laws of the United States, their loyalty will be unreservedly given to the government, whose

leniency they cannot fail to appreciate, and whose fostering care will soon restore them to a condition of prosperity. It is true that in some of the states, the demoralizing effects of the war are to be seen in occasional disorders; but these are local in character, not frequent in occurrence, and are rapidly disappearing as the authority of the civil law is extended and sustained. Perplexing questions are naturally to be expected from the great and sudden change in the relations between the two races; but systems are gradually developing under which the freedman will receive the protection to which he is justly entitled and by means of his labor, make himself a useful and independent member in the community in which he has a home.

From all the information in my possession, and from that which I have recently derived from the most reliable authority I am induced to cherish the belief that the sectional animosity is surely and rapidly merging itself into a spirit of Nationality and that the representation connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relation of the states to the National Union.

As the Schurz report was used with great effect as an authority by the reconstruction committee, it is proper to state its origin. As related by the author in "reminiscences" published in recent years, Gen. Schurz, who possessed decided, but erratic talents, was so opposed to the policy of the President's proclamation establishing a provisional government in North Carolina that he wrote him a letter of remonstrance. This brought him a summons to Washington from his home in the West. His reminiscences are quoted:

"President Johnson received me with the assurance that he had read my letter with great interest and appreciation, and that he was earnestly considering the views I had presented in them. But in one respect, he said, I had entirely mistaken his intentions. His North Carolina proclamation was not to be understood as laying down a general rule for the reconstruction of all states lately in rebellion, it was to be regarded as merely experimental; and he thought that the condition of things in North Carolina was especially favorable for the making of such an experiment. As to the gulf states, he was 'very doubtful, even anxious.' He wished to see those states restored to their constitutional relations with the general government as quickly as possible; but he did not know whether it could be done with safety to the Union men and to the emancipated slaves. He therefore requested me to visit those states for the purpose of reporting to him whatever information I could gather as to the existing condition of things, and of suggesting to him such measures as my observations might lead me to believe advisable."

On the way he tarried in Philadelphia, visiting some German friends who entertained him with a spiritual seance. The spirit of Lincoln being called, "I asked," reads the reminiscences, "whether he knew for what purpose President Johnson had summoned me to Washington. The answer came: 'He wants you to make an important journey for him.' I asked where the journey would take me. Answer: 'He will tell you tomorrow.' I asked further whether I should undertake that journey. Answer: 'Yes, do not fail.'"

Of the genuineness of this revelation the author seems to have been fully convinced. Quite as remarkable is what follows, in the reminiscent relation of what passed between Gen. Schurz and President Johnson; on whom he called as soon as he reached Washington.

"The President's request," Gen. Schurz says in his reminiscences, "came as a great surprise to me." This indicates that he had not been deeply impressed by the tip given him by Lincoln's ghost. Instead of taking it as a mandate from spirit land, it seems he intuitively traced it to Secretary of War Stanton:

"I went to Secretary of War Stanton to learn whether the proposition made to me by the President had been suggested by him. He assured me it had not. He told me that President Johnson was set upon by all sorts of influences and that what he most needed was to learn the truth." Apparently still unsatisfied, General Schurz sought further counsel. "I also," he says, "consulted Chief Justice Chase, who told me that, in his opinion, I had an opportunity for rendering valuable service to the country, and that I must not think of declining."

Thus advised by two of the most advanced radicals, and opponents of the President's North Carolina plan, he decided to accept the President's mission.

"The next day I informed President Johnson that I was willing to undertake the journey. In order that everything might be clear between us, I repeated to him what I had stated in former conversations and correspondence; that so far as I was then informed I considered his reconstruction policy ill advised and fraught with danger, but that if my observations should show this view to be erroneous, no pride of opinion would prevent me from saying so; I should consider it my only duty to tell him the truth. President Johnson cordially declared himself satisfied and * * * I set out, and arrived at Hiltonhead, South Carolina, on the 15th of July."

This story is unbelievable. By the testimony of friends and enemies alike, President Johnson was a man of positive character and of extraordinary tenacity, even obstinacy, in adhering to his opinions, prejudices and purposes. Indubitably, such a person would not have selected one to investigate the Southern situation, and make a report which would be a crucial test of the momentous policy he had initiated, who was avowedly opposed to it. President Johnson could not have regarded his North Carolina action as "experimental." In its nature and scope such a restoration of government could not have been considered other than an irrevocable advance toward full state sovereignty. It was provisional only to the extent of the performance of certain prescribed acts preliminary and preparatory to final, constitutional, restoration of statehood. When these were complied with, it was President Johnson's fundamental contention that reconstruction and restoration should be unimpeachable and complete.

But contradiction of the Schurz relation does not rest alone on inherent improbability. It will be shown to be susceptible to demolishment by specific proof. First, a subsequent chapter of reminiscences is quoted:

"During the first six weeks of my travels in the South I did not receive a single word from the President or any member of the administration; but through the newspapers and the talk going on around me I learned that the President had appointed provisional governors and taken active measures to put the 'States lately in rebellion into a self governing condition. * * * When early in July I had taken leave of the President to set out on my tour of investigation, he, as I have already mentioned, had assured me that the North Carolina proclamation was not to be regarded as a plan resolved upon; that it was merely tentative and experimental; that before proceeding further he would wait and see; and that to aid him by furnishing him information and advice while he was 'waiting and seeing' was the object of my mission. Had not this been the understanding I should not have taken the wearisome and ungrateful journey. But now he did not wait and see; on the contrary, he rushed forward the political reconstruction of the Southern States—apparently without regard to consequences!"

This all occurred "early in July," says General Schurz. But for the "understanding at that time that the President would go no further until I furnished him information, advice," etc., "I should not have taken this wearisome and ungrateful journey." The effort to convict the President of bad faith is transfixed by the recorded fact that he had already gone further; on June 13th or a month before Gen. Schurz left Washington on his journey, the North Carolina provisional government was duplicated in a proclamation establishing a like one in Mississippi! The others followed in close succession. When Mr. Schurz reached Hilton Head, July 15th, to begin observations which were, according to his account as quoted, to be embraced in the report which was to aid the President in deciding whether the gulf states were to be restored to the Union, the last one had already been brought in under a provisional government proclamation.

The conflict here shown between the Schurz Reminiscences and the facts of history is as strange as it is absolute. Interpreting this Southern mission through the light of contemporary events a different conclusion of the "understanding" on which it was conceived is forced. Most probably the President, foreseeing a struggle when congress met, must have expected to use the report to uphold his provisional government acts. Knowing that Mr. Schurz was a fugitive from Prussia because of detestation of a government founded on military despotism, Mr. Johnson counted on his support in a plan which contemplated an early removal of troops, and the restoration of self-government to the Southern states. This may have been his expectation in spite of an expressed opposition to certain details of the scheme. That he miscalculated most grievously he was soon to learn. On his "wearisome and ungrateful journey" General Schurz anticipated his official report by letters to a Northern newspaper, of "picturesque views of Southern conditions with some reflections thereon"; his letters furnishing ammunition which the

President's enemies used effectually for condemning or discrediting his policy of Southern reconstruction. Or as a Washington special of August 27th, the time of the Schurz mix-up in Mississippi affairs, states: "It is understood that the course of General Carl Schurz, now travelling in the South by orders from government, does not meet the approval of the President, and it is expected that he will be recalled soon. It is alleged that he writes for Northern newspapers his impressions of what he has seen, and publishes opinions as to what policy ought to be pursued towards the Southern states, instead of making his report direct to the War Department for the information of the President."

In any critical examination, Gen. Schurz's unveracious reminiscences of over forty years after, bear all the seeming of intent to gloss over his ill requital of trust reposed in him, by charging the President with violating an "understanding," a charge completely contradicted by the recorded facts.

Upon returning to Washington Gen. Schurz states, in his "reminiscences" that he was received by the President "without a smile," with a "sullen mien;" and the information that "I need not go to the trouble on his account of writing out an elaborate report of my conclusions and expressions in a connected shape." But the report was nevertheless written and filed with the President, to serve the ends of the radical leaders who had then organized to make war on the President's policies. The conclusions of General Schurz were summarized at the close of the report as follows:

> "I may sum up all I have said in a few words. If nothing were necessary but to restore the machinery of government to the states lately in rebellion in point of form, the movements made to that end by the people of the South might be considered satisfactory. But if it is required that the Southern people should also accommodate themselves to the results of the war in point of spirit, those movements fall far short of what must be insisted upon. The loyalty of the masses and most of the leaders of the Southern people consists in submission to necessity. There is except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriot-

ism. The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all independent state legislation will have the tendency to make him such. The ordinances abolishing slavery, passed by the conventions under the pressure of circumstances will not be looked upon as barring the establishment of a new form of servitude. Practical attempts on the part of the Southern people to deprive the freedmen of his rights, may result in bloody collision, and will certainly plunge Southern society into restless fluctuations and anarchical confusion. Such evils can be prevented only by continuing the control of the national government in the states, lately in rebellion, until free labor is fully developed and firmly established, and the advantages and blessings of the new order of things, have disclosed themselves. This desirable result will be hastened by a firm declaration on the part of the government, that national control will not cease in the South, until such results are secured. Only in this way can that security be established, in the South, which will render numerous immigration possible and such immigration would materially aid a favorable development of things. The solution of the problem would be very much facilitated by enabling all loyal and free labor elements in the South to exercise a healthy influence upon legislation. It will hardly be possible to secure the freedman against oppressive class legislation and private persecution, unless he be endowed with a certain political power. As to the future peace and harmony of the Union, it is of the highest importance that the people lately in rebellion, be not permitted to build up another 'peculiar institution,' whose spirit is in conflict with the fundamental principals of our political systems, for as long as they cherish interests peculiar to them in preference to those they have in common with the rest of the Americans, their loyalty to the Union will always be uncertain. I desire not to be understood as saying there are no well-meaning men, who were compromised in the rebellion. There are many, but neither their number or their influence is strong enough to control the manifest tendency of the popular spirit. There are great reasons for hope, that a determined policy on the part of the national government, will produce innumerable and valuable conversions. This consideration counsels leniency as to persons, such as is demanded by the humane and enlightened spirit of our times, and vigor and firmness in carrying out principles, such as is demanded by the national sense of justice and the exigencies of our situation."

To break the force of the Schurz report President Johnson had requested Gen. Grant to travel through the South, and make report of his views, which was as follows:

Headquarters Armies of the United States,
Washington, D C., Dec. 1, 1865.

To His Excellency, Andrew Johnson, President of the United States:

Sir: In reply to your note of the 16th instant, requesting a report from me giving such information as I may be possessed of, coming within the scope of the inquiries made by the senate of the United States in their resolution of the 12th instant, I have the honor to submit the following:

With your approval, and also that of the honorable Secretary of War, I left Washington City on the 27th of last month for the purpose of making a tour of inspection through some of the Southern States, or states lately in rebellion, and to see what changes were necessary to be made in the disposition of the military forces of the country; how these forces could be reduced and expenses curtailed, etc., etc., and to learn, as far as possible, the feelings and intentions of the citizens of those states toward the general government.

* * * * * *

Both in traveling and while stopping I saw much and conversed freely with the citizens of those states, as well as with officers of the army who have been stationed among them.

The following are the conclusions come to by me:

I am satisfied that the mass of the thinking men of the South accept the present situation of affairs in good faith. The questions which have heretofore divided the sentiment of the people of the two sections—slavery and state rights, or the right of a state to secede from the Union—they regard as having been settled forever by the highest tribunal, arms, that man can resort to.

I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but, now the smoke of battle has cleared away, and time has been given for reflection, that this decision has been a fortunate one for the whole country, they receiving like benefits from it with those who opposed them in the field and in council.

"Four years of war, during which law was only executed at the point of the bayonet throughout the states in rebellion, have left the people, possibly, in a condition not to yield that ready obedience to civil authority, the American people have generally been in the habit of yielding. This would render the presence of small garrisons throughout those states necessary until such time as labor returns to its proper channel, and civil authority is fully established. I did not meet any one, either those holding places under the government or citizens of the Southern states, who think it practicable to withdraw the military from the South at present. The white and the black mutually require the protection of the government. There is such universal acquiescence in the authority of the general government throughout the portions of the country visited by me that the mere presence of a military force, without regard to numbers, is sufficient to maintain order. The good of the country, and economy, require that the force kept in the interior, where there are many freedmen (elsewhere in the Southern States than at forts upon the sea coast no force is necessary) should all be white troops. The reasons for this are obvious without mentioning many of them. The presence of black troops, lately slaves, demoralize labor, both by their advice and by furnishing in their camps a resort for the freedmen for long distances around. White troops generally excite no opposition, and therefore a small number of them can maintain order. Colored troops must be kept in bodies sufficient to defend themselves. It is not the thinking men who would use violence toward any class of troops sent among them by the general government, but the ignorant in some places might; and the late slave seems to be imbued with the idea that the property of his late master should by right belong to him, or at least should have no protection from the colored soldier. There is danger of collisions being brought on by such causes.

My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the government; that they are in earnest in wishing to do what they think is required by the government, not humiliating to them as citizens; and that if such a course were pointed out they would pursue it in good faith. It is to be regretted that there cannot be a greater commingling at this time between the citizens of the two sections, and particularly of those intrusted with the law-making power.

* * * * * *

. . . In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that a freedman has the right to live without care or provision for the future. The effect of the belief in division of lands is idleness and accumulation in camps, towns and cities. In such cases I think it will be found that vice and disease will tend to the extermination or great reduction of the colored race. It cannot be expected that the opinions held by men at the South for years can be changed in a day, and therefore the freedmen require for a few years, not only laws to protect them, but the fostering care of those who will give them good counsel, and on whom they rely."

These two papers respectively comprise the two conclusions of Southern conditions upon which the President and the radicals divided; the former adopting the Grant report and the latter that of Gen. Schurz. It was one of the curiosities of American politics that a few years later the leader of the opposition to President Grant's oppressive Southern policy should be this same Carl Schurz, then a member of the United States senate.

Of these reports Blaine says, Vol. II, p. 164, "Twenty Years in Congress": "It was soon perceived that in the President's anxiety to parry the effect of Mr. Schurz's report he had placed Gen. Grant in a false position—a position no one realized more promptly than the General himself. Further investigation led him to a thorough understanding of the subject and to a fundamental change of opinion. It led him to approve the reconstruction measures of the Republican party." This statement of a "prompt change of opinion" by Gen. Grant is not borne out by history. Testifying before a congressional committee July 18th, 1867, nearly two years after his report, he said: "I know that immediately after the close of the rebellion there was a very fine feeling in the South, and I thought we ought to take advantage of it as soon as possible." This is virtual condemnation of "the Republican reconstruction measures." That the President regarded him as standing with him more than six months later was shown by his appointment of Gen. Grant as Secretary of War when he removed Stanton upon the reconstruction issue. It was not until the bitter quarrel with the President, growing out of that misguided appointment, in 1868, that there was a break between him and Gen. Grant, who was then taken up by the Republicans as their candidate for the Presidency.,

After debating the message and reconstruction some days congress adjourned December 21 for the holidays. The state's delegation having "knocked" at the door of congress, which was not opened to them, returned home somewhat like the sheep of "Little Bo-Peep." Some were quoted as anticipating their admission, upon the reassemblage after the holidays. But Senator Alcorn voiced a different view. It was apparent that he had already, from "the tops of a high mountain," seen as in a vision, a fair promise of preferment to high place; that he had only to "stoop to conquer." Thereafter he and his people pursued different political pathways. His colleague, Judge Sharkey, remained in Washington to represent the state's interests before the reconstruction committee, then incubating the radical reconstruction scheme. From being an extreme opponent of secession and war, he was, thenceforth, the most uncompromising foe of the revolutionary and unconstitutional congressional plan. He, in fact, became the recognized leader in opposing the, at first, popular idea of its acceptance as the best that could be expected.

During the months of 1865, after the close of the war, and by the 1866 planting season, thousands of negroes returned to their former homes from the army and the freedmen's camps. They found a welcome there, with hard work and scant rations to what they had been used. Economic conditions were worse in some sections of the state than in others. Ruin and want were most menacing probably in the Delta, on the large plantations. This had been debatable ground for the two years prior to the end of the war. To a very great extent it had been stripped of work stock, cotton, provisions and labor. The levees having been cut by the Union forces in the upper Delta, there had been the waste and destruction of overflow. The custom from the settlement of the country had been to carry heavy liabilities for purchase of slaves, mules, for clearing land. When the end came, with slave property vanished, plantations run down, work stock stolen or perished, labor demoralized and scattered abroad, the planter looked forth upon a dark prospect truly. Debts contracted on the basis of negro property fell with crushing weight on debtor and creditor. Under such a stress of adversities the rich lands represented in available value but a tithe of such indebtedness. With the close of the war it was the first object of a large proportion of planters to so arrange with mortgage debtors as to retain tenure of their homes. Such accommodations would have been impracticable but for one thing; and this was that beyond the creditor's foreclosure, lay the problem of what to do with the lands. Under such a doubtful situation, merchants preferred risking supplies for growing a crop, to possessing the plantations. Only for the tempting price of cotton, the old debt would have largely been given up.

Thus environed, the people had, after the surrender of the armies and the return of peace, gathered up the blind and crippled old mules, the rusted and broken implements, and to the extent of their power raised a corn crop and enough cotton for the supply of necessities of life. Under the pressure of this duty, joined with the stimulus of 50 cents per pound for cotton, they arranged their affairs as best they could under the new order, for growing a cotton crop. Levees were patched and fences rebuilt. With such work stock as had been saved or could be had, the crop was pitched. In various ways negotiations were effected for the needed capital and supplies. In spite of all difficulties, and the misguided meddling of the bureau officers, there was the promise of a successful first year of planting with the freedmen in place of the slave. The general contract was wages of from six to fifteen dollars a month and rations. Under such adjustment there was a fair degree of content and satisfaction and on the whole the freedmen behaved well. The old customs of orderly conduct and obedience to authority prevailed. In all the license and profligacy of the times, there was not a case of violence towards a white woman or child by a negro reported through the public prints. The main, and grave, industrial trouble was the natural interpretation by the negro population of emancipation as the millennium of idleness and vagrancy. Their working capacity was cut, approximately, in half. It was looked upon as necessary to demonstrate their state of freedom, to move from the place where they had been held as slaves.

Under the mould of life's duties and necessities, and out of the social wreckage of the old regime, there was such disposition of the social and economic forces as the new order ordained. There was, above all, the inspiration of an honest intent to accept and make the best of the situation.

At best the outlook was a precarious one. How precarious may be read in the estimate in the March number of DeBow's *Review* of a cotton crop total of only a million and a half bales, or less than half the yield in 1860. The reasoning of such a calculation is quoted: "These figures are not likely to be increased by anything that is likely to happen, and may be greatly reduced by the ignorance, neglect or desertion of the laboring forces, which is more likely to occur than not and reduce the crop to one or one million two hundred thousand bales. No account is taken of the application of white labor to cotton, beyond what was applied to it before the war. The extensive mortality of the war has made white labor at the South very scarce, and so far it is absorbed in the necessary pursuits of the mechanic arts and trade, which have been furnishing more lucrative employment. The increase of white labor at the South, so far as the next crop is concerned is too trifling to be taken into account."

Absorbed in the problem of domestic matters, of providing the means of livelihood for their families, Southern men gave no heed commensurate with its perils, to the storm that was gathering at Washington. The year opened with the people of Mississippi engaged in arranging and providing for crop raising; for testing the availability and reliability of the freedmen as a labor dependence. The return of the "abandoned and confiscated lands" to their lawful owners had largely dispelled the expectation of land ownership by partition of the same among the negroes. As the price of cotton ranged from forty to fifty cents a pound, the beginning of the first year under the new industrial order, was not without promise of prosperity and fortune. With the then well trained, if disorganized, labor to be had for from ten to twelve dollars a month, with rations, capital and credit were, it is said, only too easily had. An article in the Vicksburg *Herald* had the following:

> "Northern capitalists, with their usual keen appreciation of pecuniary profit, have not been slow to seize upon the opportunities offered them for making money in the rich bottom lands of Mississippi, and have rented plantations at apparently unreasonable prices. It may be estimated that bottom lands will gener-

ally sell for about twenty dollars per acre, and they will rent for about one-half the selling prices.

"The people of Mississippi now intend to devote all their energy to making good crops of cotton. There is every probability that the negroes will work tolerably well with proper supervision and care; and if a man has not ready money he can rent his plantation for this year, and be able with the proceeds to make a good start for himself in 1867. One year or five would be but a short time in which to recover from the effects of this tremendous ordeal through which we have passed, and if in 1870 the Mississippi planters can equal their production of cotton in 1860, they and the country will be more than satisfied."

Woefully fallacious though it proved, it was well to feed hope on such optimism. Stripped of illusion, all but the bravest would have despaired. It was in blissful ignorance of its store that the future was faced. December 31st, the state commissioner of the Freedmen's Bureau, Col. Samuel Thomas, issued the following general order:

"The time has arrived when it is important that the freedmen of this state should make contracts for labor during the coming year, in order that a crop may be secured.

"It is important that the freedmen should feel their obligations to society and civil government, as the time will come when their interests must be committed to the state, with no other agency to care for them. There can be no better time for Freedmen to familiarize themselves with business life and common forms of law, under civil government, than at a time when officers of the general government are here, whose duty it is to see that their rights are respected. In fact, we will fail in the discharge of our whole duty to them, if we do not take every means within our power to instill into their minds respect for the civil law and the sacredness of all contracts and obligations. There can be no better time for the citizens of the state, who have not thoroughly recognized the present status of the freedmen, to accustom themselves, as officers of the state government, to lay aside their prejudices, grant the Freedmen their rights, to which they are, as free men, entitled and to protect them by just administration of law. The sooner they are protected by the power that must eventually be charged with the security for their persons and property, the better for both classes.

It is therefore ordered that no rules or regulations will be issued by officers of this bureau, with reference to the freedmen contracting. As the following clause of the state law is substantially what has heretofore been the regulation of this department of the general government the attention of officers, planters and freedmen, is invited to its requirements:

"'Section 6. Be it further enacted, That all contracts for labor made with freedmen, free negroes and mulattoes, for a longer period than one month, shall be in writing and in duplicate, attested and read to said freedman, free negro or mulatto, by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts; and if the laborer shall quit the service, without good cause, he shall forfeit his wages for that year, up to the time of quitting.'

"It will be seen that magistrates register contracts, and that the parties who contract are left to regulate the conditions, wages, etc.

"It will be the duty of officers of this bureau to see that the freedmen are properly contracted with; while they have no power to interfere with the action of the magistrate, or the administration of the state law, they will on all occasions act as the next friend of the freedmen; give them proper advice in all matters pertaining to contracts; and, on complaint being made that the colored people are not being allowed to exercise all their privileges as freedmen, or that their ignorance is being taken advantage of in any way so as to inveigle them into oppressive contracts, a full statement of the matter will be forwarded to this office, that the proper action may be taken for their protection.

"Officers of the bureau must not relax their vigilance in watching the exercise of authority by the state officials, and should be prompt in reporting all cases that need the interference of higher authority.

"It is to be hoped that the civil officers to whom this is committed will be actuated by a spirit of justice and equity, and that they will take into account on all occasions, the extreme ignorance of freedmen in all business or legal matters, and explain, in a spirit of kindness, all obligations that may come before them for approval."

This order, while liberal in tone and seemingly fair in intent, could not disguise the odium of a tyrannical, meddlesome system. It was followed up by a long circular to "the colored people of Mississippi," which is quoted from:

"I hope you are all convinced that you are not to receive property of any kind from the government, and that you must labor for what you get like other people. The officers of the government will not protect you in idleness. I often hear that you are crowding into towns, refuse to hire out, and are waiting to see what the government will do for you. As the representative of the government, I tell you that is very foolish; and your refusal to work is used by your enemies to your injury. I know you can get good wages with considerate employers, who will treat you well and pay for all you do. The state cannot and ought not to let any man lie about idle, without property, doing mischief. A vagrant law is right in principle. It cannot ask the civil officers to leave you idle, to beg or steal. If they find any of you without business and means of living, they will do right if they treat you as bad persons, and take away your misused liberty.

"Some of you have the absurd notion that if you put your hands to a contract, you will somehow be made slaves. This is all nonsense, made up by some foolish or wicked person. There is no danger of this kind to fear; nor will you be branded when you get on a plantation. Any white man treating you so would be punished. Your danger lies exactly in the other direction. If you do not have some occupation, you will be treated as vagrants, and made to labor on public works.

"You must be obedient to the law. I do not think the people of Mississippi have made all laws that relate to you as they ought to have done. But, even if there be some things denied to you as yet which you wish to gain, you cannot get them by disobedience and idleness. You cannot make people treat you well, by showing that you do not deserve it. If you wish for rights, do right yourselves. If you desire privileges, show that they may be safely entrusted to you. Such a course, with patience, will make you happy and prosperous. I hope that a sense of justice, benevolence and enlightened self-interest, will lead the white people to set you a good example of faithfulness and honor in observing contracts."

This "circular," issued by Col. Thomas, was "cordially approved" by Gen. Wood.

The following reflex of the industrial outlook at the beginning of 1866, is quoted from the annual circular of Maurice Williams of Liverpool, a then authority on cotton production:

As regards the production of cotton in America in 1866, great diversity of opinion still exists. Those most capable of knowing best, the Southern planters, say they express a most decided and universal opinion that, under no circumstances, can a crop exceeding 1,000,000 bales be raised in 1866. We know that this year the crop raised has only been 400,000 bales, and that not only has the number of the black population been seriously diminished since the war commenced, but that the experience of those who have recently been through the Cotton States is that a great disinclination exists among the freedmen to work for their late owners, and a still greater objection to work at cotton raising at all. We cannot expect, I think, a crop in America in 1866 to supply their own and afterwards the consumption of the world for 1867, or for more than 1,000,000 bales; for it must be remembered that the greatest portion of this year's crop of 400,000 or 500,000 bales was made in Texas, where they were the last to surrender to the Union authorities, and consequently retained longer control over the labor of their slaves, and even during the picking season had more influence over them, owing to their more isolated position. It is well known that the amount of any year's crop in America depends principally upon the character of the picking season, and the amount of labor which can be forced during that period.—Now, as the power to force this labor is forever taken away, and that it was mainly owing to this power that the Southern States were enabled to raise such enormous crops of cotton as previously to supply four-fifths of the consumption of the world, it may naturally be expected that free laborers toiling mainly for themselves cannot for years, until their number be materially increased, be expected to produce any large quantity compared with former crops—their number available for labor, owing to deaths from disease, war, and destitution, being now estimated at one-half the amount before the war; and even then, subject as they were to forced labor, they could only produce 4,500,000 bales in a year. From the reasons stated, therefore, it is not under-estimating the crop to be raised next year by placing it at 1,000,000 bales or under. In such a case, with a consumption in America, North and South, of fully 750,000 bales, how much would they be able to spare for the consumption of Europe?

I cannot conceive how the present consumption of Great Britain is to be carried on, even at the reduced average all the year, and consequently it must be checked by an advance in price.

It is interesting to note that the large proportion of the negro soldiers when discharged from the service promptly returned to their old plantation homes and vocations. The demand for labor led to deals between planters and the commanders of these troops, by which some leased plantations, others entered into partnerships or contracted as managers of their former soldiers. Gen. Osbond, odious through the depredations of his negro command, and who was notorious on account of his summary dispersal of the legislature, which assembled at the close of the war, leased the Kershaw plantation in Washington county. Gen. Andrew, brother of the famous Massachusetts war Governor, leased the Hampton places in the same county. They tried to carry military rules into the management of plantation affairs. Their laborers resented and rebelled against the control and discipline of the camp. They had learned the lesson of emancipation so well that it was held to be inconsistent with their new state of freedom to yield any recognition to authority and orders. After a short struggle with trying and turbulent environment, Osbond passed away in a drunken debauch. While Andrew got away with his life he suffered humiliation and severe financial losses. Undertaking to administer corporal punishment to one of his former soldiers, he was set upon with violence and so roughly handled that but for the interference of Gen. Wade Hampton, who happened to be on a hunting visit to his plantation, he would have been mobbed. As it was he had enough. He abandoned his lease and scraping the mud of Mississippi from his feet, took the first northbound boat, vowing hatred of the whole negro race. His brother, Governor Andrew, alleged a loss of $30,000 in this planting venture. Some of the Union soldiers remained in the country and became good and honored citizens. But the majority went home ruined in pocket, or engaged in reconstruction politics. It so resulted that one of the most unfortunate incidents of peace was the inflow of Northern men and capital into the cotton plantation regions, to be engulfed in utter loss and ruin. While there was little social intimacy, there was no friction between the natives and the new comers. Even Osbond bore testimony to the "fine feeling" in the South which Gen. Grant reported at this period. In an interview published in the Montgomery *News* he said that "the only threats made against him were by his own hired colored men." But the country got a bad name from investors who failed and left. While a large proportion of those who remained, sought to recover their losses as carpet bag officials when the provisional governments were uprooted.

The primary school feature in the Freedmen's bureau dispensation was at odds with the common belief of the times that general or indiscriminate education of the negro was worse than thrown away; that it could only unfit him for his sole vocation of farm labor. The teachers appointed by the bureau, Northern men and women, as a rule fanatics and zealots on the negro question, taught race equality as a cardinal principle. It was little surprising that they were regarded with extreme disfavor and distrust, and socially placed outside of the pale. In the rural districts their presence was so intolerable that the bureau schools were as a rule restricted to the towns. Occasional assignments to the plantations were not fortunate though sometimes simply ludicrous. One case of that character is referred to. A large planter in a remote section had a typical "Yankee school marm" billeted on him. Remonstrance and explanation that her incorporation in his household was unwelcome, and, as he lived alone, unconventional and improper, failed to impress the spinster lady, bent on teaching her flock of picaninnies. In sore trouble the planter betook himself to the bureau commissioner, who had sent her to him. After a pecuniary transaction he returned home with a letter of recall, and under a pledge to open a school and find a teacher acceptable to himself. A cabin was furnished as a school house, and a negro woman who had a slight acquaintance with the alphabet was installed as teacher. In the spirit of making the best of the case in some instances planters came to provide school houses and engage native whites to teach the negro children.

The following notice was published in the Vicksburg *Herald*, April 12th, 1866, by request of the superintendent of education, Joseph Warren, under the Freedmen's Bureau:

> "I have received many applications for teachers of colored people on plantations. I * * * offer my services as agent to all who wish to procure teachers, to managers of plantations and to the colored people in towns. I am paid by the government to aid this cause and I wish no compensation from those

whom I may serve. Teachers may be engaged as individuals or through freedmen's aid societies. Disabled soldiers and any other class of persons duly qualified, Northern or Southern, may often be heard of through me. Teachers from Northern societies, coming as missionaries are the cheapest. They do not seek to make money. As an average these are the best that is available. I have personal acquaintance with about fifty now in the state and do not believe there is one fanatical agitator. The tales told that they are unchaste, miscegenationists, promoters of social equality and discord between employers and laborers are unfounded, wilful slanders. * * * I have expressed to Northern people my belief that teachers will be safe in the state during the ensuing year. It is becoming manifest that the colored people will prefer those places where they may enjoy educational benefits, and therefore it will be the interest and pleasure of those who employ them to give protection, facilities and help to these teachers."

There was decided repugnance to the Northern teachers of negroes. In spite of the superintendent's assurance it was felt that all of these "missionaries" taught, or favored, social equality and were therefore natural disturbers between employers and laborers. To avoid their employment Southern papers and publicists urged that the native white prejudice to teaching the negroes be overcome. The following is from an editorial in the Jackson Standard: "We are glad to see an awakening disposition on the part of the Southern people to take charge of schools for little negroes, and have them taught by Southern teachers instead of Yankees. It is patent to all thinking men that the policy of the South in the new relation with the negro, is to have him educated to the extent of his capacity and condition. And this should be done by Southern people, who will abstain from instilling into the minds of the negroes hatred and distrust of the Southerners. We should be better friends of the negro than to quietly turn him over to the grasping cupidity of the New Englanders."

The Brandon *Republican* called attention to Mr. Jayne's advertisement in the following sensible remarks, the latter paragraph of which goes to show the great necessity which exists of placing the negro under Southern instead of Northern influences.

"We are aware of the fact that there are persons in our midst who would denounce any person of Southern birth who would engage in teaching negroes, but the better and more thoughtful portion of the community would applaud and sustain him, because they know that the negroes will be taught by some one, and they would much prefer a Southern man, who would instill correct principles into them, to a canting, hypocritical Yankee, whose principal object is to get their money and teach them to hate their best friends."

NEGRO SCHOOL AT CANTON.—The *Mail* says:

"Some complaints are made about the proximity of this institution to the residences of some of the citizens of Canton. We took occasion a week or two ago, to publish a little article in regard to this thing. Since that time, we have heard hints, amounting almost to threats, directed towards the teacher of said school. Here we see a disabled Confederate soldier, who was wounded on several occasions during the late war, and on whose body the honorable scars, gained in fighting the good fight for the independence of his country, will continue to remain until death shall claim his victim. He returns home unfitted by his wounds for heavy labor, and, as a matter of necessity, takes charge of a negro school. Who can blame him? He saw, as all sensible men must, that these negro schools *must* be established throughout our land, and knew too, that it would be much better for Southern men to train the minds of young Africa, than to have some redmouth Radical fill the position. He determined, therefore, that rather than allow a Yankee fanatic to instill his venemous *Sumnerian* doctrines into the brains of these descendants of Ham, that he himself, by taking charge of the school, would breast the tide of public opinion, and bear the contumely which he knew would be heaped on him by faultfinders. Mr. Davis, the teacher of the school, informs the *Mail* that he is endeavoring to have the locality of it changed to some retired place outside of the corporation, so that the citizens may no longer be annoyed by the depredations of the scholars.

The following is from the Meridian *Messenger:*

"We have heretofore expressed the opinion that it is the true interest of the Southern people to take care that the emancipated negroes be educated, and their moral natures cultivated to the extent of their susceptibilities. We should not leave that field of philanthropic good work to be occupied exclusively by Northern teachers. We must divest ourselves of the false notion that it is disreputable for a white man to teach a negro school. We can think of nothing so well calculated to make the two races live side by side pleasantly and comfortably, as for Southern teachers to take hold of the negro schools at once. They should be encouraged rather than discountenanced for the obvious reason that a Southern teacher would instill into the young negroes Southern ideas of the relative social relations, rights and duties of the races. Entertaining these views it is with regret we hear that some Southern teachers who have attempted to do this have met with contempt, persecution, even violence. * * * After awhile those who are wrong upon this subject will see right, and then all will be right."

The Freedmen.—The education of the freedmen is beginning to excite some attention in this section. Quite a large Sunday school, designed for the mental as well as the moral culture of the negroes, has been established at College Hill, in this county, and we are informed that unusual interest is manifested by them in the matter. Some of the best citizens in the county are engaged in the enterprise, and we heartily wish them success. We hope our good citizens in other parts of the county may imitate the example of the citizens of College Hill. Negroes who did not yield to the temptation to abandon their homes during the late war merit something at our hands.—*Oxford Falcon.*

These well directed efforts to teach the negroes the truth of the change in their condition as freedmen and to promote a right adjustment of their relations toward the state and their former owners was not allowed to prevail. The radical leaders at Washington were busy with the hell broth of their scheme of reconstruction. They were not only unsympathetic, they were relentlessly antagonistic to a peaceable and orderly settlement of the Southern problem. Evidence of the condonance and success of the President's policy was the last thing they wished. It would have interfered with their deep laid and paramount plan for "making the South the stronghold of the Republican party," through use of the negro as a suffragan. To that end and any all means were held justifiable. It went hand in hand with the declaration "to make treason odious" by punishing and degrading "traitors."

Whatever doubts of the radical policy upon the Southern question remained after the speeches of the leaders in the first days of congress, were settled immediately upon the opening of the session after the holidays. The entrance upon the violent and revolutionary career which was to dominate political history for years to come, was signalized in resolutions of the first day, one that the military should not be withdrawn from the seceding states until congress should have declared their presence no longer necessary; another calling for the speedy trial of Jefferson Davis and his execution when found guilty. By the Washington correspondent of the Cincinnati *Enquirer* this would have passed but for the interjection of a point of order.

The first meeting of the reconstruction committee was held January 9th, the day after congress reassembled. A sub-committee was sent to wait on the President with the request that while the committee was incubating its recommendations of legislation, there be no further reconstruction action by him. And that there should be "mutual forbearance on the part of the executive and congress." The President replied, reciprocating the desire for harmony and acceding to the request that he go no further in carrying out his policy for the present. But there was no wish for harmony or truce by the Republican congress, or intention of deferring action upon the report of the reconstruction committee.

This was clearly indicated in a vote soon after the holidays, upon a resolution approving the President's message. Proposed by a Democrat, Mr. Voorhees of Indiana, a substitute was offered by Mr. Bingham, of Ohio, changing an endorsement to a declaration of confidence in the President. While Bingham was a radical, both resolution and substitute were swept into the waste basket by Mr. Stevens, on a motion to refer the question to the reconstruction committee. An unmistakable affront and declaration of war on the President, this was adopted by a solid Republican vote save two. Such a vote signalized the absolute dictatorship of Mr. Stevens, over the house, which was Republican, by four to one. He thus cleared the decks for driving through two pending revolutionary bills; which in turn led up to the negro suffrage policy the joint committee of fifteen was then incubating. One of these two bills, known as the "civil, or equal rights bill," was avowedly aimed at the destruction of the "black code" race discriminations. Its purpose was set forth in the second section of the bill, which with the first section is quoted:

> "Sec. 1. All persons born in the United States, and not subject to any foreign power or tribunal authority, excluding Indians, are hereby declared to be citizens of the United States.
>
> "Sec. 2. There shall be no discrimination in civil rights or immunities among the inhabitants of any state or territory of the United States on account of race or color, or of a previous condition of slavery; but the inhabitants of every race and color without regard to any previous condition of slavery or involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall have the same right to make and enforce contracts, to sue parties and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property; to a full and equal benefit of all the laws and proceedings for the security of persons and property. Any person who under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.
>
> Section 10 declared it to be lawful for the President of the United States, or any person he may empower for that purpose, to employ such of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent violation and enforce the due execution of this act."

The other and even more odious and sweeping of the two bills was a proposed enlargement of the Freedman's Bureau powers, a synopsis of which is quoted:

> "Section 1. Original act to continue in force; President to establish twelve or less districts, with an assistant commissioner for each, to be appointed, or, in his discretion, detailed from the army.

"Sec. 2. The commissioner to assign sub-districts, with one agent to each. Assistant commissioners may have six clerks; agents of sub-districts two; military jurisdiction to extend over all employes of the bureau.

"Sec. 3. Secretary of war may direct such issues of provisions, clothing, provisions, fuel, etc., for refugees and freedmen, as he deems needful.

"Sec. 4. President may reserve for freedmen and refugees 3,000,000 acres of unoccupied land in Florida, Mississippi and Arkansas, which the commissioner of the bureau shall allot in 40-acre parcels; rent thereof to be based on a valuation of the land, and occupants may purchase at assessed value.

"Sec. 5. Titles to Sea Islands, etc., under Sherman's order, confirmed for three years.

"Sec. 6. Commissioners shall purchase lands required for support of dependent freedmen and refugees, and build asylums and schools; congress to provide appropriations for the same, and the lands not to be sold at less than cost.

"Sec. 7. Where rights of labor, of contract, of inheritance, of property, the equal benefit of laws, security of person, etc., are denied to freedmen, the President shall extend military jurisdiction and jurisprudence for their protection; such jurisdiction to cease when the discrimination on account of which it is conferred shall cease.

"Sec. 8. Whoever subjects any freedman to slavery or involuntary servitude, except as punishment for crime, or discriminates between the two races in penalties, shall be punished by a fine of $1,000 and one year's imprisonment. Officers of the bureau to have jurisdiction of all such complaints, so long as and wherever such discrimination on account of color continues, and wherever state and United States courts are not in full and peaceful operation."

The passage of this bill, first by the senate and then in the house February 6th, created a feeling almost of consternation in the South.

In his diary Secretary Welles wrote February 14, 1866: "Have read the bill for the Freedmen's Bureau, which is a terrific engine and reads more like a decree emanating from a despotic power, than a legislative enactment by Republican representatives. I do not see how the President can sign it." Of the cabinet members, Mr. Welles records Seward, McCulloch, Dennison and himself as favoring a veto; which was disfavored by Stanton, Harlan and Speed. February 20th the veto was read in congress. The main objections of the President are here epitomized:

"The bill extends greatly enlarged powers over sections in which the ordinary judicial proceedings have been interrupted. It gives power to the bureau to set aside local laws which are supposed to deprive freedmen of their rights, without specifying what rights are thus to be secured.

"The jurisdiction given to so large a number of agents, as proposed by the bill, over contracts, is given to those over whom there is no legal supervision, and in the very nature of men will be frequently attended by acts of caprice, passion and injustice. The trials are to take place without the intervention of a jury, and without fixed rules of law. The punishment is not to be what the law prescribes, but what the court chooses to inflict.

"The jurisdiction thus given is irreconcilable with the constitution, which declares that no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury * * * and that in all criminal prosecutions the accused shall enjoy the right of speedy and public trial by an impartial jury of the district or state where the crime shall have been committed.

The fifth section of the bill proposes to take away land from its owners, without any legal proceeding being first had, contrary to the provision of the constitution which declares that no person shall be deprived of life, liberty and property without due process of law.

"The congress of the United States has never heretofore thought itself bound to found schools for any class of our own people not even for the orphans of those who have fallen in defence of the Union, but has left the care of their education to the much more competent control of the states, of communities, of private associations, and of individuals. It has never deemed it necessary to expend the public money for the rent or purchase of houses for the thousands, not to say millions of the white race who are honestly toiling from day to day for their subsistence.

"A system for the support of indigent persons in the United States was never contemplated by the constitution, nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people, more than for another."

Perhaps the gravest practical objection to the bill is to be read in the following:

"It will tend to keep the minds of the freedmen in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension. Undoubtedly, the freedmen should be protected, but they should be protected by the civil authorities, especially by the exercise of all the constitutional power of the courts of the United States, and of the states. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor cannot well be spared."

As the Freedmen's Bureau scheme, which this bill proposed to extend, worked out all of the President's objections to it were proved. As a mere accessory of military occupation of the black belts, to establish camps and provide occupation for the negroes that swarmed across the line to find shelter and bask in idleness under the Union flag, the bureau was useful. Further than this it was an evil, as will be shown by any dispassionate study of the operations of the agency after peace was restored. In spite, or because of inflammatory attacks upon the veto, the bill failed in the senate by a vote of 30 to 18, or less than the requiste two-thirds majority. Either caused by the President's argument, or driven off by the violence of speech which contrasted so strongly with Mr. Johnson's calm and forcible reasoning, eight more votes were polled against the bill than were secured on its original passage. Much of the popular interest in the vote was due to the recognition of the occasion as a crucial one, that it formally signalized the breach between the President and his party. Interest generally was pivoted more on this significance than on the bill itself. The public favor of the nation was probably with the President on the bill, as reflected in the following press story of the vote in the senate:

At five o'clock the senate proceeded to take a vote. As the clerk proceeded to call the ayes and nays the whole assembly was hushed in the deepest attention, scarcely a sound being heard save the smooth dignified voice of the clerk and the response of senators as their names were pronounced.

The people in the galleries hung anxiously over their seats and turned their heads approvingly or the reverse, as the sentiment suggested toward each senator as he announced aye or no, and and at the conclusion of the call the assemblage heaved a universal aggregate long breath of relief. The presiding officer thereupon announced thirty votes for the bill and nineteen against it, and proclaimed that the bill is not therefore passed.

Thereupon went up a tremendous round of applause from all parts of the galleries and the presiding officer directed the sergeant-at-arms to clear the galleries instantly. The order was promptly obeyed and not only the male portion but also the ladies who have generally participated in the clapping of hands, were much to their surprise, hustled out. Everybody, however, was willing to go now, as the great event—the President's veto stands.

The veto of the freedman' bureau bill turned the radical leaders on the President like a pack of wolves. It was the bursting of the storm which had been muttering and sending forth lurid flashes since the formation of the provisional governments. It brought on a series of most violent and denunciatory speeches in congress. Senator Sumner threatened "all the horrors of the San Domingo race war unless perfect political and social equality was assured to the negro."

Believing that this was running too fast Senator Fessenden of Maine said: "I take it that the honorable senator from Massachusetts himself would hardly contend that now, at this time, the whole population of the recent slave states is fit to exercise the right of suffrage." I mean that no man who looks at the question dispassionately and calmly could contend that the great mass of those recently slaves are fitted at this stage to exercise the right of suffrage. Senator Henderson of Missouri replied that "the only way to protect the freedmen was to give them the ballot." "That is so," responded Mr. Sumner.

Mr. Trumbull of Illinois "did not think the right of suffrage would feed the hungry or clothe the naked colored people of the South. *Since the days of Townsend's Sarsaparilla, he had not heard of such an universal remedy for human woes as Mr. Henderson proposed to make out of the right of suffrage."*

The Toledo (Ohio) *Blade,* a Republican paper, says Judge Trumbull is right, and adds: "The friends of the colored people of the South issue an appeal for clothing for the suffering blacks. "Give them the ballot," cried Mr. Sumner. The Bureau asks for food and Mr. Stevens answers, "Give them suffrage." Suffrage, according to Saints Sumner and Stevens, will supply the place of coats, pants, and vests, beef, potatoes, and bread; it answers in the place of calomel and quinine; it will build shanties for them and fatten their pigs. With all deference to Mr. Sumner, we believe the negro, if the choice is given him, will take the food and clothing, the virtues of which he can appreciate, in place of the ballot, which he cares nothing about."

In this, the initial joinder of battle with the radical policy, the President won his first and last victory. Thereafter, to the crack of the whip of party despotism, the two-third vote was secured. The line was drawn against the President as a party traitor, and excommunication waited on the Republican who dared to cross it. The Chicago *Tribune* thus pronounced Mr. Johnson an outlaw of his party: "Since the closing scenes of the war and the sad horror of the assassination, no event has created such profound sensation as the formal act by which the President has severed himself from the loyal party and united with its enemies North and South, before the Union is yet restored or the war fully ended. * * * Yet while saddened by this long expected manifestation, there need be, should be, and we think will be, no trembling or hesitation on the part of congress, as there surely will be none on the part of the people."

President Johnson's veto of this, the first one of the reconstruction measures to pass, has been criticised as a wanton rejection of an opportunity for reconcilement with his party majority. Rhodes, on page 572, History of the United States, says: "A careful consideration of Johnson's utterances and action may well cause surprise that he did not sign the bill enlarging the powers of the Freedman's Bureau. Every one in the Union party, General Grant and the President included, believed in the absolute necessity for some such institution." On the contrary, "a careful consideration" of the question will readily reconcile the President's "belief in some such institution," with his veto of this enlargement bill. The law as it stood gave the bureau officials the power of well nigh unendurable oppression. How this was extended by the terms of the amendment is not only shown in a comparison of the two. It was brought out in practice. In

Mississippi, probably in other Southern states, there was such certainty that the bill would become a law that the bureau officials did not wait for the President's signature. On its passage in the house Feb. 6th, 1866, Colonel Thomas, state commissioner, issued a circular order to the district commissioners for assuming all the powers conferred under the provisions of the bill. What this meant, and the justification of the President's veto, appears in the interpretation of these "powers" by those who were called on to apply them. This will be read in the following letter of instruction from the district commissioner at Natchez, to the county sub-commissioner, which was published by the officer in charge at Woodville in the Wilkinson *Journal:*

> Captain—In a late interview with Col. Thomas he instructed me to say to sub-commissioners that he wished them to assume full power and authority in their several districts. A great deal can be done by a bold and decided stand; giving the people to understand that you are backed by full authority. The passage of the bill enlarging the authority of the bureau makes it an established institution. Under its provisions you have full power and authority to act in all cases involving the rights of freedmen. When the civil authorities will take hold and act impartially you of course can let them do so. But whenever you think they are oppressing the freedmen it is your duty to take hold and act. If any resistance is made to your orders you will at once send a statement of the case and I will send troops to your aid. Let the people understand this fully. You will inspect all contracts—none being legal unless approved and recorded before a civil officer and stamped on each sheet with a 5 cent revenue stamp—and whenever you find any that, in your opinion, are oppressive to the freedmen, notify the planter to change it.
>
> (Signed.) GEO. D. REYNOLDS,
> *Com. Southern District of Mississippi.*

Most regrettably the President did not rest his cause upon a message which was unassailable as a model of suaviter in modo, and fortiter in re. Much of the public favor he gained was lost by a speech to a crowd, which after holding a mass meeting of approval of the veto, adjourned to the White House to personally congratulate its inmate. Captivated by the incense of its enthusiasm, Mr. Johnson delivered a speech in which he descended to the vituperation of enemies whom he called by name. It was so intemperate and undignified that his friends were grieved, while his enemies used it most effectively against him. It was one of the peculiar hardships of the Southern people growing out of the fateful substitution of Johnson for Lincoln, that the very efforts in their behalf by the former were thwarted, converted into weapons against them by Johnson's lack of that intuitive insight, the tactful and well poised exercise of authority, that never failed in the martyr President.

While winning the applause of the Southern people by his unyielding opposition to radical measures President Johnson unfortunately raised hopes that were destined to be blasted. For this he is not to be fairly censured. He did what seemed best and at that clouded period it was an open question if the Northern people would stand with the President or congress. Naturally meetings were held in Vicksburg, Natchez, and other points for indorsing the President's position; demonstrations which were eagerly seized upon by radical leaders and used effectively for our undoing. The following resolutions of the Vicksburg meeting are quoted:

> *Resolved*, That the thanks of the Southern people are due to the President of the United States, and to the *loyal* and patriotic statesmen in the Senate and House of Representatives who sustain him in his policy of Reconstruction; and,
>
> *Resolved*, That in the message of President Johnson, vetoing the bill lately passed by Congress to enlarge the powers of the Bureau of Freedmen and Refugees, we recognize a return to the true principles of the Constitution of the United States, and an assurance of an earnest desire on the part of his administration to restore, in all its parts, our once happy Union to its former grandeur and strength; and,
>
> *Resolved*, That the preservation of the rights of the several states of the Union, as recognized and guaranteed by the Constitution, is essential to the preservation of the Union, and the perpetuity of republican liberty,—that the landmarks established by our forefathers, to mark the extent of the powers both of the general government and of the states, should not be changed or removed, but that every effort should be made to restore the Union as it was, and maintain, in all its integrity, the Constitution as it is; and,

Resolved, That the people of Mississippi have, in all good faith and sincerity, accepted the results of the late civil contest, as a conclusive and final settlement of the issues involved therein, and have returned to their allegiance to the Constitution and to the Union.

In the final test a just and liberal policy was defeated. It has been contended that the efforts in our behalf but intensified persecution of the South, and that it would have been better had he bowed to the storm he could not control. There is no evidence that this is so—no reason to believe that the subsequent course of treatment would have been affected by the supine submission of the President to action which was odious to his sense of right and duty. While no one can say with assurance—though some have so assumed—to what extent the future course of events would have been changed had he veered with the current, sought to stem what he could not stay, this truth is clear: That the President did what was right in principle; he was true to himself in a crisis of his life. And that the evils to which he pointed and against which he set his face were proved, and more, in the operation of the law which vainly sought to effect "a perfect equality of the white and black races."

The most discouraging significance of this bill was the malign distrust of the Southern people it implied. Viewed through its logic, it disclosed and led up to the policy and scheme of reconstruction. Senator Sumner's incidental declaration for perfect race political and social equality was only a forward turn of the leaf of the chapter.

Alexander H. Stevens addressing the Georgia legislature, February 22nd, 1866, said: "Would that I could say something cheerful. But that candor which has marked all that I have said compels me to say that to me the future is far from bright. Nay, it is dark and impenetrable. Thick gloom curtains and closes all around us. My only hope is in the peaceful re-establishment of good government and its peaceful maintenance afterward. * * * The restoration of the old union and with it the speedy return of fraternal feeling throughout its length and breadth. * * * I have faith in the American people. But for this I should long since have despaired. Dark and gloomy as the present hour is, I do not yet despair of free institutions." He only hoped the people might rally against the then clearly defined purposes of the radical leaders in congress toward the Southern states, and sustain the President. The speech of this clear-sighted patriot is further quoted: "President Johnson is now, in my judgment, the present great standard bearer of the Constitutional Union, and in his efforts at restoration should receive the cordial support of every well wisher of his country."

Thus the eyes of the more thoughtful had been opened by the ominous presages from congress of the radical temper and aims. They were not blinded by the defeat of the first step—the bare third of the senators and less than a third of the representatives were too weak a support of the President to afford hope of victory in a long drawn out contest. There was too much at stake—the opportunity for making radical hold on power impregnable was too strong to resist. As the New York *Times* said in a discussion of that prime motive of the Southern policy: "The radicals aim at a consolidation of the central power, and the complete overthrow of state authority. The steadiness with which this purpose has been pursued shows that it is not an accident of political action, but a deliberate and distinct political programme. It has more than once been asserted in congress that as the Southern states are now unrepresented, and as the Northern states thus have the *opportunity* to make the government precisely what they would have it, they ought to embrace it, and to pass such laws and such amendments to the constitution as will give them permanent and complete control of the government. And the whole action of the radicals in congress has been steadily and powerfully in that direction."

The civil rights bill which had been introduced concurrently with the Freedmen's Bureau amendment, proposed to establish negro equality in law in all things but the suffrage, and to annul all race discriminatory provisions in state laws. It was as broad and sweeping in its scope as it was stringent in providing for enforcement and punishment in the Federal courts and by the officers of the Freedmen's Bureau, of violations. To the argument that such a law would take away the state power for prohibiting race intermarriage, no heed was given in the senate. It passed that body by a vote of 33 to 12. In the house the bill was so changed as to leave state laws on race intermarriage untouched. The house also added a clause which the senate had refused, that "nothing in the bill shall be so construed as to affect any state laws concerning the suffrage." That matter was then being looked after by the select committee of fifteen. The bill passed the house and was vetoed by the President March 27th, in a long and confessedly strong message, which is quoted as follows:

> The fourth section of this bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and that officers may be specially commissioned for that purpose by the President of the United States. It also authorizes Circuit Courts of the United States and Superior Courts of the territories to appoint, without limitation, commissioners who are to be charged with the performance of quasi judicial duties.
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> The fifth section empowers the commissioners so to be selected by the court, to appoint, in writing, one or more suitable persons from time to time to execute processes, etc.
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> The numerous officials and agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a posse comitatus, and even to call to his aid such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged. This extraordinary power is to be conferred upon agents irresponsible to the government and to the people to whose number the discretion of the commissioners is the only limit, in whose hands such authority might be made a terrible engine of wrong, oppression and fraud.—The General Government, regulating land and naval forces of the United States for the United States for the execution of the laws, are believed to be adequate to any emergency which occurs in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such a manner as, while subserving the public welfare, will not jeopardize the rights, interests and liberties of the people. The seventh section provides that a fee of ten dollars shall be paid to each commissioner, in every case brought before him, and a fee of five dollars to his deputy or deputies, for each person he or they may arrest and take before any such commissioner, with any such other fees as may be deemed reasonable by such commissioners, in general, for performing such other duties as may be required in the premises. All these fees are to

be paid out of the Treasury of the United States, whether there is a conviction or not; but, in case of conviction, they are to be receivable from the defendant. It seems to me that under the influence of such temptations, bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill, the United States Courts which set only in one place for white citizens, must migrate with the Marshal and District Attorney, and necessarily with the Clerk—although he is not mentioned—to any part of the District, upon the order of the President, and there hold Courts for the purpose of a more speedy arrest and trial of persons charged with a violation of the Act; and there the Judge and officers of the Court must remain, upon the order of the President, for the time therein designated.

The ninth section authorizes the President, or such person as he may empower for that purpose, to employ such part of the land, or naval forces, or of the militia, as shall be necessary to prevent the violation, and enforce the due execution of this Act. This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate. To me the details of the bill are fraught with evil.

After discussing the special evils to be apprehended from such a measure he said: "The provisions of the bill are an absorption and assumption of power by the general government, which, being acquiesced in must eventually destroy our federalistic system of limited power and break down the barriers which preserve the rights of the states." But the time was passed when congress was amenable to reason or remonstrance from the President. The bill was passed over his veto in the senate by a vote of 33 to 15; and in the house by 122 to 41. There were a good many Republicans who took this step, or rather stride, in the policy of scourging the South, with distrust and misgivings, others who had not already broken with the President were infuriated because he had not surrendered to their earnest and personal solicitations to yield to the expediencies which forbade a final break with his party. They had all the less patience with the message that it was undeniably strong in reasoning while conservative and moderate in tone. Henceforth radicalism was in the saddle in dead earnest.

The radicals were infuriated by their narrow escape from defeat. But for the illness of one senator, Dixon, of Connecticut, and the unseating of another, Mr. Stockton, of New Jersey, upon a flimsy pretext, the bill would have failed by one vote. For voting against it, Senator Lane, of Kansas, was so hounded that his mind toppled over, and he died by his own hand a few months after. The vote was forced over the request that, to permit Senators Dixon and Wright of New Jersey, whose illness forbade them attending a night session, the vote be deferred until the next day. To this request Senator Ben Wade replied. Denouncing the veto of "such a measure as this as the act of a despot," he said: "I feel myself justified in taking any advantage which the Almighty has put in my hand. I will not yield to appeals of comity on a question like this. But I will tell the President and anybody else that if God Almighty has stricken a member of this body so that he cannot be here to uphold the dictation of a despot, I thank him for it and I will take any advantage of it." It was Ben Wade who had expressed his gratification that Lincoln had been removed, to make way for "Johnson, a man we can trust."

On the passage of the Civil Rights law from which so much was expected, Blaine wrote: "The announcement was received with an outburst of applause in which the members of the house as well as the throngs of spectators joined. It recalled the scene of rejoicing over the passage of the 13th amendment a year before." In establishing race equality in public places, and resorts of entertainment, travel and amusement, the Civil Rights bill proved a virtual dead letter in the South from its birth, and all through the reconstruction years. In the North it was, at times, and in spots, raised to the importance of a nuisance, requiring petty shifts at evasion and circumvention. The following comments upon the President's veto from leading Northern papers, illustrate the temper of the period, and the then alignment of opinions and parties upon the question that was to be paramount the next quarter of a century:

From the N. Y. *Times.*

But we venture to think that few State papers have ever been given to the world that will so thoroughly compel the attention of thinking men. The analysis of the details is of so keen and searching a character, the logic so irresistible, that we should hope even the strongest advocates of the measure will see how vastly important it is that the constitutional power of the veto should exist, and how important also, in a higher sense, that such a constitutional power should be entrusted to a President endowed with judgment, discretion and a most uncommon courage.

From the N. Y. *World.*

The veto is a conclusive demonstration of what was apparent before, that the conflict between the President and Congress admits of neither compromise nor reconciliation, and that the controversy can only be decided by an appeal to either's common superior, the sovereign people.

From the Chicago *Tribune.*

The veto of the Civil Rights bill has been expected from the day that President Johnson, in the company of Saulsbury, Cox, Voorhees, and Wirz lawyers, gave in his adhesion to the principles of the Southern Confederacy. It takes no one by surprise, and none will be disappointed by it. It constitutes another step backward toward the old slaveholding era; or rather, it marks a step which had already been taken.

From the N. Y. *Herald.*

His objections on constitutional grounds exhibit this civil rights bill as involving the most flagrant devices for overriding the reserved rights of the States in their legislatures and judicial tribunals ever attempted in Congress. We had supposed this bill in a new shape a sort of reproduction of the old fugitive slave law, but under the searching analysis of Andrew Johnson, it appears a hundred times worse than the Freedmen's Bureau experiment, and nothing less than a bill of unconstitutional abominations from beginning to end. The objections submitted against the first section of the bill, however, are those which mark the impassable barrier between him and the ruling radicals of Congress. The veto is, in fact, an emphatic declaration of war against the radicals and their reconstruction system, root and branch. Henceforward there can be no party indorsements of the policy of Congress occupied with professions of adhesion to the policy of the administration.

From the N. Y. *Tribune.*

Let us thank Mr. Johnson that his veto is sweeping. He might have phrased it more cunningly, but he has chosen to let us know that it is not this particular bill that has provoked his opposition, but that any measures whereby Congress shall attempt to protect the Southern blacks against white abuse and oppression must encounter his determined and deadly opposition.

It is historically important to note that the constitutional warrant claimed for the Civil Rights and the Freedmen's Bureau bills were supplied by the second section of the 13th amendment, which declared that "congress shall have power to enforce this article by appropriate legislation." Such legislation, it may be said, furnished an exact fulfillment of the argument upon which the Mississippi legislature, in defiance of the terms of the President prescribed as a prerequisite to readmission, rejected the amendment. They vindicated the following from the adverse report of the state federal relations committee, to which the amendment had been referred. "It may be claimed that under this section it would be appropriate for congress to legislate in respect to freedmen in the state. This committee can hardly conceive of a more dangerous grant of power than one which by construction might admit federal legislation in respect to persons, denizens and inhabitants of the state."

In intent and theory the Civil Rights bill was as the President maintained—all bad. In effect it amounted to little. In the first place the negroes were not disposed at this time to agitation—in Mississippi they were only concerned over their freedom to work or not to work as their condition and pleasure dictated. In the next place the powers of the military and the bureau—whose higher officials were inclined to repress strife and discontent, and promote industrial thrift and social quiet among the races—were already ample for absolute government. Mainly as an index of the radical policy and of the definite parting of the ways between the President and congress, historians have discussed the bill as of paramount importance. Rhodes who measures out approval and disapproval of the President in about equal proportions, says on page 583, volume 5, of his History of the United States: "The president regretfully vetoed the bill, sending to the senate a veto message, remarkable for its moderation and careful reason." In the same connection, page 587, he says:

"Johnson's fall from when he sent his message to congress, December 5th, 1865, to the day when the senate passed the Civil Rights bill over his veto, was great, and may be accounted for by the defects of his character and especially of his lack of political sense * * *. His quarrel with congress prevented the readmission into the Union on generous terms of the members of the late Confederacy." The "defects of character and want of political sense" may be granted, but the two measures on which he "quarreled," the Freedman's Bureau and the Civil Rights bill, would serve well for a puzzle picture, labelled—"Find the generous terms." On page 579, Rhodes says: "The principal objection to his policy was that the President did not extend his invitation to vote to colored as well as to white men, but this objection is unreasonable when all the Northern states but six, deny the negro suffrage, and since until this session the proposition to confer the suffrage on the colored men of the District of Columbia, where congress has absolute authority has not been seriously mooted." The admission that negro suffrage was at the base of the contention of congress is quite enough to justify and almost sanctify the President's vetoes. Without the admission it is impossible to maintain, that approval of the bills would have halted their course as forerunners of the subsequent constitutional amendment and the reconstruction acts. These measures which consummated the original radical designs of negro political and as far as possible social equality, were then incubating. Meaning everything to the South, in the states which had conferred suffrage on the negro and where there were only a handful of them, it meant practically nothing. The first popular test of negro suffrage was applied in the District of Columbia, which voted upon the question Feb. 21st, the day after the President vetoed the Freedman's Bureau bill. The result was thus reported in the *National Intelligencer* of the 22nd, which said:

> The election yesterday to ascertain the sense of the citizens of Washington upon the extension of the right of suffrage to the negroes passed off very quietly, there being neither a disturbance at the polls nor an attempt at one. The vote was a full one, and it was discovered at an early hour that many of our citizens whose sentiments have ever been in unison with those of the Re-

> publican party were unwilling to have negro suffrage inflicted upon them, for they voted an open ticket "Against Negro Suffrage." Indeed, in all the precincts most of the tickets were voted open. It was so evident that the majority would be overwhelmingly against negro suffrage that but little eagerness was manifested to ascertain the exact result in figures. Despite the coldness of the night, a few persons assembled at the City Hall, however, hoping to hear the returns, but they were doomed to disappointment. Even the localities where the results of elections are earliest known were barren of details, all being fully satisfied with the fact that the *bona fide* residents of Washington, and the solid men of the city, were opposed to the proposed change. Many men who have not voted for years, turned out yesterday to add their vote to swell the multitude of citizens who are opposed to the putting of the proposed indignity upon this people. In some of the precincts, the vote was larger than it has been for years.
>
> The vote was—for suffrage, 35; against it, 6,602. Majority against suffrage, 6,568.

The proof this election conveyed of the utter and practically universal repugnance with which negro suffrage was looked on was of small consequence to the negro suffrage zealots of reconstruction. Little did they care for its forecast of race strife and sectional antipathy. Some were primarily actuated by South hate, others by party gain of Southern Republican votes; a few negrophobics by an honest motive of uplifting the negro.

As stated above, there was no thought, at this time of the suffrage among the Southern negroes. The recent state convention's absolute rejection of the President's tentative suggestion of its conference upon a limited number of them had been generally accepted by whites and blacks in the state, in spite of warnings of the radical intent, as the conclusion of the question. While there was no political sentiment among the negro masses, there had been meetings held by a few of them toward the close of 1865. Headed by the famous mulatto agitator, Fred Douglass, a delegation of one representative of the negro race from each state had been sent to the capitol to petition congress for the ballot, and early in February, 1866, they called on the President and urged their purpose on him.

Frederick Douglass addressed the President, saying:

"Mr. President—We are not here to enlighten you, sir, as to your duties of Chief Magistrate of this Republic, but to show our respect, and to present in brief the claims of our race to your favorable consideration. In the order of Divine Providence, you are placed in a position where you have power to save or destroy us; to bless or blast us—I mean our whole race. Your noble and humane predecessor placed in our hands the sword to assist in saving the nation, and we do hope that you, his able successor, will favorably regard placing in our hands the ballot, with which to save ourselves. We shall submit no arguments on that point. The fact that we are the subjects of the Government, and subject to taxation, to volunteer in the service of our country, subject to being drafted, subject to bear the burdens of the State, makes it not improper that we should ask to share in the privileges of condition. I have no speech to make on this occasion. I simply submit these observations as a limited expression of the views and feeling of the delegation with which I have come."

Responding, President Johnson said:

While I say that I am a friend to the colored race, I do not want to adopt a policy that I believe will end in a contest between the two races, which, if persisted in, will result in the extermination of the one or the other. God forbid that I should be engaged in such a work. * * * I am not willing to adopt a policy which I believe will only result in the sacrifice of his life, and the shedding of his blood. I think I know what I say. I feel what I say, and feel well assured, that if the policy urged by some be persisted in, it will result in great injury to the white as well as the colored man.

When our government commenced upon this principle of the right of the people to govern themselves, and has existed upon it, now you propose to incorporate an element that did not exist before in it. I say that the query comes up, in undertaking this thing, whether we have a right to make a change in regard to the elective franchise, in Ohio, for instance, and whether we shall not let the people in that State decide the matter themselves. Each community is better prepared to determine the depository of political power than anybody else; and it is for the legislature, or the people of Ohio, to say who shall vote or not for the Congress of the United States.

Mr. Douglass.—If the President will allow us, I would like to say one or two words in reply. My impression is that the very thing your Excellency would avoid in the Southern States, can only be avoided by the very measures that we propose, and I would state to my brother delegates, that because I perceive the President has taken strong grounds in favor of a given policy, and distrusting my own ability to remove any of those impressions he has expressed, I thought we had better end the interview with the expression of thanks. (Addressing the President)—But if your Excellency will be pleased to hear, I would like to say a word or two in regard to that one matter of the enfranchisement of the blacks, as a means of preventing the very thing which your Excellency seems to apprehend—that is, a war of races.

The President closed the interview—which is noted as the first formal move from the negroes themselves for political equality—with the observation that the negro must bear his own cross. If ill treated in the South he said their remedy was an exodus. The incident attracted little attention, as the public at this period did not take the question of negroes as voters seriously. It had just been tested in a number of Northern states at the polls, and voted down by overwhelming majorities. Few dreamed that congress would single out the South for the ordeal. Nor did the white people look on "the war of races" as more than a possibility. The passing of any danger of such trouble, incidental to the disturbing infusion of the negro garrisons, soon to be disbanded, is to be read in the following:

AD'J & INSPECTOR GENL'S OFFICE,
Jackson, Miss., Jan. 10, 1866.

General Orders No. 4.

All danger of apprehended trouble between the freedmen and the citizens of this State having passed, and numerous complaints having been made of unjust treatment to freedmen, by persons, assuming to act as members of volunteer organizations, all special orders heretofore issued from this office to officers of volunteer companies to disarm the negroes, are hereby revoked. All members of volunteer companies are hereby instructed to arrest all persons who, pretending to belong to this organization, disturb the public peace by their unjust and indiscreet action. The revocation of these orders is not intended to affect the operation of the law on this subject, or to set aside the duty of members of volunteer companies as citizens. The orders were issued to meet a supposed danger that threatened us. It has passed, and it is no longer considered necessary to act under special instructions from this office.

By command of the Governor:

JAS. M. KENNARD,
Adjutant General.

February 23rd, 1866, General T. J. Wood issued special order No. 45, the following extract from which was published in the Vicksburg *Herald* of current date: "The following named regiments in this department will at once prepare their rolls for being mustered out of service, and report to the chief mustering officer of the department for muster-out. The 49th, 59th, 53rd, 64th, 66th, 70th and 108th regulars U. S. colored infantry." This order was welcomed by the white people as the removal of a sore cause of irritation and humiliation. The evils of negro troops as Southern garrisons had been impressed upon the President by General Grant, in his report already quoted. He condemned the black troops as demoralizing to the negro labor and as endangering collisions. But action upon his recommendations was deferred by the question of what to do with such soldiers after discharging them. It was suggested that they be turned over to the Freedman's Bureau and be worked on the levees. Then politics and prejudices intervened to farther perplex purpose. By this time congress had met and the fire in the rear of the administration was incessant. A contribution to the fuel was furnished in a letter to the New York *Times* by Colonel Thomas, Freedman's Bureau chief. He protested against the removal of the negro troops and predicted all kinds of calamities if it were done. Colonel Smith, the post commander at Natchez, in a statement published in the press of that city, said: "If the negro troops were removed the whites would so exasperate the negroes that they would rise up and exterminate them, and I would be glad of it." No such consequences attended the discharge of the negro regiments. The effect upon the negroes generally was wholly beneficial. The following is from the Wilkinson *Journal* of February 23rd, when the negro garrisons had generally been drawn into Vicksburg for the muster out: "Since the removal of the troops from Woodville negroes are more quiet and peaceably disposed. When backed by their comrades in arms it was not unusual to see the town filled with drunken negroes. Planters throughout the county state that freedmen in their employ are working with unexpected zeal and industry. This is especially the condition where planters and freedmen are not brought in too intimate contact with the bureau. Were the bureau powers diminished instead of increased and things left to their natural course, all would work out well."

The negro soldiers were readily, and as a rule, peacefully absorbed in the labor forces of the plantations on being mustered out of the service. Noting the discharge of a certain regiment the Vicksburg *Herald* said: "The majority of the men have engaged their services as field hands at the same pay they received from the government as soldiers and have left or are rapidly leaving the city with their employers."

Industrial adjustment was naturally slow. Contests over farm contracts were frequent and harassing, especially when intruded upon by Freedmen's Bureau officials who made a trade out of their authority. In certain counties robberies and violence continued to outcrop. The following order was addressed to certain cases of this kind:

ADJUTANT GENERAL'S OFFICE,
Jackson, Miss., March 3d, 1866.

To the Sheriff of Madison County, Miss.:

Sir: I enclose you a copy of order issued to each captain of a volunteer company in your county. I also enclose you a list of the volunteer companies in your county. The Governor is anxious to root out the robbers whose depredations have become so extensive, and hopes that with the aid of the volunteer companies the country can be cleared of these persons, and the stationing of more garrisons of Federal troops among the people thus prevented. Let your people understand that the only way to prevent the stationing of Federal troops among them is to "root out" these depredators. The Governor enjoins upon you all diligence in the execution of this duty, and begs you to report to him the names of all officers who may refuse to respond to your call for aid.

Respectfully, your ob't serv't,
JAMES M. KENNARD,
Adjutant General.

The following was published in the Vicksburg *Herald* of March 6th:

"We gave an account, a few weeks ago, of the capture of the steamer Lily, with a cargo of cotton, on the Tombigbee River by a band of guerrillas. Another steamer, the Belfast, was since captured on the same stream and, as is supposed, by the same parties. The Belfast was heavily laden with cotton, belonging to private individuals. This the guerillas took off at different points, and afterwards turned the boat over to the captain. A gunboat was sent up the river from Mobile with a detachment of United States troops, for the purpose of ferreting out the depredators and arresting them, as also to recover the stolen cotton. The detachment succeeded in recovering about 300 bales out of 590 which were taken from the boat.

The *Clarion* earnestly calls the attention of the people to a series of bold robberies and outrageous proceedings that have taken place in portions of our State. It has seen two reports that have been sent to the executive office from two counties of our State. In one of them these villains say that no Yankee shall cultivate cotton. They have taken from them their mules and other property, and threatened their lives. This was in Warren county. In Madison county but a few days since, they went to the plantation of a Northern man and took from him twenty-five mules."

Such disorders were survivals of the war, and the immediately ensuing unrest and disregard of lawful authority it entailed. They soon gave way to the vigorous repression of the local authorities and courts. The instances noted were about the last.

In the extreme and urgent need of revenue for defraying the expenses of the state government the legislature had imposed a special tax on railroad travel. In pursuance of this law the Governor addressed a communication to the presidents and directors of the various railroads in the state, in relation to tax on railroad travel imposed by an act passed at the last session of the legislature, proposing to them to become the agents of the state in the collection of the tax, and offering a certain percentage for their services thus rendered. President Milton Brown refused to aid in any way in the execution of the law as far as the M. & O. R. R. was concerned, expressing the belief that the same is in violation of the constitution of the United States, and therefore inoperative and void. General Hardee, as president of the Selma & Meridian road, accepted the proposition, and offered to collect the tax. F. M. White, president Mississippi & Tennessee road, agreed to do the same thing. The N. O. & Jackson road was yet to be heard from; likewise the Memphis & Charleston, Southern, and Mississippi Central roads. Upon the refusal of the company to collect the tax, collection devolved on the sheriffs of the counties traversed.

In a lengthy proclamation April 2nd, reciting previous executive proclamations dealing with the "insurrection" of the Southern states, and the act of congress defining the national policy and intent of the war waged upon them, President Johnson announced "the cessation of organized resistance to the Federal authority; and that the laws can be sustained and enforced by the civil authorities and the people of the states are well and loyally disposed and have conformed or will conform to the condition of affairs growing out of the amendment to the constitution prohibiting slavery," etc. It was recited at the conclusion of the proclamation that "whereas standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of habeas corpus are in time of peace dangerous to public liberty," etc., "now therefore, I * * * do hereby proclaim and declare that the insurrection which heretofore existed in the states of Georgia, North and South Carolina, Virginia, Florida, Alabama, Arkansas, Mississippi, Louisiana, Tennessee and Texas, is at an end and is henceforth to be so regarded," etc.

This proclamation was read and rejoiced over, as pointing to the immediate withdrawal of troops, the end of martial law, military tribunals and the revival of the writ of habeas corpus. It was indeed so construed by the radical Attorney General Speed, as shown by the following press account of a test case:

> WASHINGTON, April 17.—The Attorney today made his report to the President in the habeas corpus case, decided by Judge Underwood at Alexandria on the 11th inst., and which was referred to Attorney General Speed for his opinion. Judge Underwood decided that the late peace proclamation did not pretend to revoke the previous proclamation of President Lincoln suspending in certain cases, the writ of habeas corpus in the States lately in insurrection; and upon this view of the law, Judge Underwood refused to grant the prayer of the petitioner upon the fact.

The Attorney General comes to a different conclusion than that arrived at by Judge Underwood, and recommends that an order be made for the release of the prisoner. Upon this recommendation the President this afternoon directed that an order be issued for the discharge of the prisoners.

Nevertheless, in a case that came before him from Mobile the President instructed the disregard of a habeas corpus writ, explaining that his proclamation was only a statement of his policy; an explanation that did not allay bitter disappointment and severe criticism. A true explanation of the virtual reaction and annulment of his proclamation may be inferred from the following formal and explicit definition:

HEADQ'RS DEP'T OF MISSISSIPPI,
Vicksburg, April 23, 1866.

General Orders No. 16.

The following communication from the War Department is officially published for the information of all:

WAR DEPARTMENT,
Washington, April 23, 1866.

Major Gen. T. J. Wood,
Com'dg Dep't of Miss.:

Sir—The Assistant Commissioner, Bureau of Refugees, Freedmen, &c., for the State of Georgia, having inquired whether the President's recent proclamation removes martial law, and stated that the department commander does not feel authorized to arrest parties who have committed outrages on freed people or Union refugees, the Secretary of War, with the approval of the President, directs me to inform you that the President's proclamation does not remove martial law, or operate in any way upon the Freedmen's Bureau in the exercise of its legal jurisdiction.

It is not expedient, however, to resort to military tribunals in any case where justice can be attained through the medium of civil authority.

I am, very respectfully, &c.,

E. D. TOWNSEND, A. A. G.

Subsequently the following order was presented:

"*General Orders No. 26.*

"Whereas some military commanders are embarrassed by doubts as to the operation of the proclamation of the President, dated the 2d day of April, 1866, upon trials by military court martials and military offences, to remove such doubts, it is ordered by the President that—

"Hereafter, whenever offences committed by civilians are to be tried where civil tribunals are in existence which can try them, their cases are not authorized to be, and will not be, brought before military court martial or commissions, but will be committed to the proper civil authorities. This order is not applicable to camp-followers, as provided for under the 60th Article of War, or to contractors and others specified in section 16, act of July 17, 1862, and offences cognizable by the Rules and Articles of War, and by the acts of Congress above cited, will continue to be tried and punished by military tribunals as prescribed by the Rules and Articles of War and acts of Congress, hereinafter cited, to-wit:"

The first court sessions were attended by some curious war cases, in the application of the laws governing the new status and relationship of the freedmen. The first case in Wilkinson county in which negro testimony was admitted was deeply colored with the irony of fate. Two white men, ex-Union soldiers, were charged with larceny and convicted on the evidence of the negroes they had robbed. They expressed extreme opposition to being convicted on "nigger" testimony. But as niggers were their victims, the law gave them the right to testify. The accused were given five years in the penitentiary.

Judge Yerger decided at the Coahoma Court, that a suit could be maintained to recover on a note given as compensation for the hire of a substitute in the Confederate army. Judge Clayton, of the Holly Springs district, decided just the other way.

A chief argument against the "Black Code" was the discriminative apprenticeship law, which was passed for dealing with and caring for the necessities of a multitude of orphaned and abandoned negro children. While the statute admitted of abuses this was preventable by the Freedman's Bureau surveillance and the supervision of courts presided over by intelligent and upright judges. The good intent of the statute is shown in the following correspondence, and in ensuing court rulings:

Executive Office,
Jackson, Miss., March 6, 1866.

Sir:—Complaints are constantly reaching this office of a want of *uniformity* in the administration of the apprentice laws of Mississippi by the Probate Courts of the various counties.

With no desire to forestall the judiciary, but simply to obtain uniformity of practice, if possible, I respectfully request your opinion upon the following points:

1st. Is a negro minor liable to be apprenticed by the Probate Court, giving preference to former owners, disregarding the wishes of its "parents or parent"?

2d. Is the mother of a fatherless child, under 21 years of age, entitled to its custody and service?

In cases of uncertainty and doubt as to the age of the minor, is the minor entitled to the benefit of the doubt, and to be apprenticed for the shortest term of servitude?

Very respectfully,

Your ob't serv't,
BENJ. G. HUMPHREYS,
Governor of Miss.

To Col. C. E. Hooker,
Att'y Gen'l Mississippi.

ATTORNEY GENERAL'S OFFICE,
Jackson, Miss., March 12, 1866.

Sir: I am in receipt of your favor of 6th inst., asking construction of the act entitled "An act to regulate the relations of master and apprentice, as relates to freedmen, free negroes and mulattoes."

You ask, "1st, Is a negro minor liable to be apprenticed by the Probate Court, giving preference to former owner, disregarding the wishes of its 'parent or parents.'"

"2d, Is the mother of a fatherless child, under 21 years of age, entitled to its custody and services?"

I answer your first question in the negative, your second in the affirmative.

The first and sixth sections of the act make it the duty of all civil officers, in their respective counties, to report to the Probate Court "all freedmen, free negroes and mulattoes under the age of eighteen, who are *orphans,* or whose *parent* or *parents* have not the means, or who refuse to provide for and support *said minors.*" Whenever these reports are made, the jurisdiction of the Probate Judges, over the minor, attaches. Had the act used only the term "orphan," as this term has been adjudicated by the High Court of Errors and Appeals, to mean a "fatherless child," the act must have received such construction as the law gives to the term in its legal sense. But the subsequent use of the terms "parent or parents," coupled with the conditions of "ability and willingness to support," shows that it was the design of the Legislature to use the term "orphan" in its popular sense as synonymous with "minor," as is shown by the paragraph quoted from first section, where orphan is referred to by the words "said minor," the term "minor" not having been before used in the act. The use of the term "parent or parents" shows that it was the intent of the Legislature to give to either parent the right to control the minor child when they have the "ability," coupled with the "willingness," to support the minor.

The prime object of the Legislature was to give protection and direction to that large class of black minors who have been recently freed; and secondly to prevent this class of persons from becoming a tax upon the public treasury. The right of the "former owner" to apprentice rests upon the same ground as that of any other person; that is, that the party ought to be apprenticed is a minor, without a parent who is able and willing to support the minor. When these facts are made to appear, the law gives the "preference" to the former owner, coupled with the proviso, that he must be a "suitable person" in the opinion of the Probate Judge, to take charge of the minor.

Were there any doubt about the right of either parent to control the minor, it would be settled by the 9th section of the act, which provides: "Be it further enacted, That it shall be lawful for any freedman, free negro or mulatto, having a minor child or children, to apprentice the said minor child or children as provided for by this act."

The use of the general terms employed in the title of this act, "freedman, free negro or mulatto," must be construed to embrace either parent.

You ask in the third interrogatory, "In case of uncertainty and doubt as to the age of the minor, is the minor entitled to the benefit of the doubt, and to be apprenticed for the shortest term of service?"

In answer to this, I can only say that the 10th and last section of the act provides: "That when the age of the freedman, free negro or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age."

Full and complete power is given to the officer named in the act to fix the age. In the exercise of this power it is to be presumed that the enlightened officers entrusted with the discharge of this duty will be governed by that spirit of justice to the minor which, it is apparent, governed the legislative minds in the passage of the act. If, upon inspection of the minors, the

Judge is in doubt as to the precise age, it might be easily solved by calling on three disinterested freeholders of the county to pass on the age of the minor.

Respectfully, your ob't sv't,

C. E. HOOKER,
Att'y Gen. of Miss.

In a case before Judge J. A. P. Campbell, of Madison county, where the fatherless child of a freedman asked to be apprenticed to its former owner and the mother petitioned for its possession, decision was rendered in her favor. A like case was decided similarly by Judge Cothran, of Carroll county. These judges were distinguished in their profession and eminent as jurists. A singular case came up before Judge Foote, of Noxubee. Two negro children were apprenticed by the local bureau agent and under assumed authority as such. Though both father and mother were living and unconsenting, their children, one fourteen and one twelve, were intrusted to a guardian chosen by the agent until their majority. This was a stretch of authority that went far beyond the state law. Judge Foote annulled the unnatural and despotic act; deciding that the act of congress establishing the Freedmen's Bureau conferred no power on commissioners to bind out or apprentice children of living parents competent to care for and support them. That its intention evidently was to protect orphans and children of those who were unable to provide for them. In this case the state figured in the protection of the freedmen, against the oppression of the bureau. Though the abuse was that of a local commissioner, in a card in The Vicksburg *Herald* Col. Thomas spoke of the decisions noted "as evidence that the civil courts are disposed to do justice to the freedmen that was highly gratifying."

VICKSBURG, Miss., March 15, 1866.

Editor Herald:

SIR: In your issue of this morning my attention is called to a decision of Hon. H. W. Foote, Judge of the Sixth Judicial District, in regard to two minor children. Accept my thanks for the aid thus offered me.

If any officer of the Bureau bound out the children in question when their parents were present and not consenting, he transgressed the orders that have been given, clearly and uniformly, from my office. Not knowing all the circumstances of this case, but well aware of the principles I have ordered to be observed, I think the Bureau officer must have bound out these children when they were separated from their parents and in need of protection. You are aware that many such separations have occurred in the confusion of the past few years. We have had many such children in orphan asylums; and they are always given up when their parents are discovered. I hope the Probate Judges will do the same when parents of children that have been apprenticed make an application for their return.

Had the parents of these two children applied to me, the same order would have been given. Had they applied to the District Bureau officer, I cannot doubt but that he would have sought to cancel the indentures. If such application was refused, then, I grant you, the officer was guilty of error and injustice.

I have taken great pains to publish the decision of Judge Campbell in a similar case appealed from a Probate Judge, and it will give me great pleasure to publish the present decision as widely, if I can get it. As evidence that the civil courts are disposed to do justice to the freedmen, it is highly gratifying. I hope the papers of the State will publish both decisions and comment on them, that we may know that they receive the approval of the community everywhere.

SAM'L THOMAS,
Col. and Ass't Com'r.

Much confusion grew out of the law recognizing the negro marriage relation as subsisting at the close of the war. A suit in which the right to control of a child was involved coming up for adjudication before him, Judge J. A. P. Campbell of the Canton district, said in dismissing the parent's application:

"If this effect be given to the law, it will lead to most absurd results in frequent instances, and will fasten responsibilities on freedmen, both onerous and unjust. Mormonism and freeloveism will have been sanctioned as to their part, and many a dusky gallant will, by virtue of the law, be claimed as sire, ancestor and supporter by a greater number than the sons and daughters of Ibzan, a Judge of Israel, who had thirty sons and thirty daughters.

If "living and cohabitating together as man and wife" heretofore, when slaves, not continued to the date of the law, is to make marriage legal and valid, then will successive "taking up," "cohabitations," however numerous, with husband and wife of former cohabitations still living, be legalized, then will the "cohabitations," "livings together," induced by the coercion of masters among their slaves be legalized. This would be unjust to the freedmen and freedwomen. They should not, when free, be held bound by their acts or manner of life when slaves, when they had no care for the future, no sense of responsibility, no choice, often but the indications of circumstances and the necessities of their condition.

The following tells of another class of litigation growing out of the war:

"The Circuit Court at Canton has been occupied with the celebrated case of Parker vs. Adams. In the summer of 1864, Gen. Wirt Adams, then in command of that Department, had P. A. Parker, of Holmes county, arrested on a charge of embezzling cotton. Parker was brought to Canton and imprisoned for a considerable time. Finally, however, he was liberated. He now brings suit against Gen. Adams for false arrest and imprisonment, damage to character, etc., laying his damages at $105,000! On the trial of the case, just ended, a jury of Mr. Parker's peers, after a full hearing, gave him damages to the amount of just *one dollar!*"

In the distressed condition that prevailed, the relief promised in the stay law appealed strongly to the debtor class which then embraced the great majority. Vicious as a mere putting off of the evil day was in principle, delusive and disappointing as it would have been in practice, the annulment of an act that had raised so much vain hope by the courts, added no little to the discontent and despondency among the people. Relief was sought in an attempt in Choctaw county to suspend the operations of the Court, by inducing the Sheriff and Clerk to resign. The Judge very promptly appointed other officers in their places, and the business of the Court went on.

With rare exceptions there was no disposition among creditors for forcing collections. As a rule they were more than willing to grant extensions and accept compromises on the most liberal terms. On this point the Hinds County *Gazette* is quoted:

That many suits are being brought in the Hinds Circuit Court, as well as in other circuit courts, of the State, we do not deny.

> But, of one thing we are satisfied, and we assert the fact confidently, having been assured of its truth by those who have a right to know, that the debtors have only themselves to censure, in almost every case, that legal steps have been taken to coerce payment from them. We have yet to hear of an instance in this county, where a debtor has gone forward to a creditor and offered to do something, or promised to do something at a reasonable period, who has been sued! The creditor class (if we have such a class now in our State) have been universal and constant in their complaints that those indebted to them manifest the most extreme indifference with reference to their indebtedness. So far from going forward to their creditors and making propositions for payment at a stated time in the future, or proposing a transfer of paper, (for almost every man who owes debts, also has debts owing to him,) or submitting a compromise, debtors seem disposed to favor themselves.

A broad field of litigation was sown in the outlawry of Confederate currency. A decision by Judge A. M. Clayton, an able and honored jurist, in a suit that came before him at Aberdeen, was a test of many cases. It involved delivery of 20,000 lbs. of lint cotton, which had been bought and paid for, in Confederate notes, in January, 1864, and left with the seller for delivery upon demand. Pleading "no consideration," consummation of the purchase was refused. The Vicksburg *Herald* briefed the Judge's decision as follows:

> "Judge Clayton then proceeds to consider the powers of the Confederate Government during its *de facto* existence, and shows very conclusively that, as a *war measure,* it possessed the power of issuing treasury notes, and that this power was entirely independent of any question of its character *de jure*. He shows, also, that the Federal Government has recognized the validity of purchases made with these notes, by seizing cotton and other property of the Confederate States, the title to which was acquired by the Confederate Government through purchases made with these treasury notes.
>
> From these considerations the conclusion is drawn with irresistible force, that contracts, of which the consideration was the payment of Confederate money during the *de facto* existence of the Confederate Government, are valid and obligatory.
>
> The prayer of the bill was granted, and a decree entered for the delivery of the cotton to the complainants, or, in case the

cotton could not be had, for the value of it—the defendant to pay the costs of the suit.

Another "contract" law is sustained:

"Judge Smiley decided at the late term of the ninth circuit court, that a note given for the purchase money of a negro in January, 1864, was valid in law. He holds that negroes were not free in Mississippi, until the convention in 1865 amended the State constitution abolishing slavery in the State. That the proclamation of the President of September, 1862, and the acts of Congress, in approval thereof, were unconstitutional and of no effect."

The seizure of Confederate cotton by treasury officials continued a fruitful source of contention. Left in the hands of the parties from whom it was purchased, the title of the Confederacy was probably some times falsely denied. On the other hand the agents were not all, or always, fair in dealing with parties who claimed ownership. One of the most zealous of these agents was a citizen of Columbus, Harrison Johnson. Being made defendant in a suit for seizing cotton as Confederate property, which belonged, as alleged, to the plaintiff, the treasury agent took the extraordinary course of "appealing his case to Caesar." In adjourning the court term, Judge H. W. Foote entered upon the record a lengthy protest against military interference which is quoted from as follows:

Upon this plea so anomalously pleaded, consisting of bare allegations, the counsel of the defendant, in open court, moved for an entire *dismissal of the case,* in the absence of any replication whatever on the part of the plaintiff. I need not repeat, that except in an extraordinary case, which it seems almost impossible to imagine, such action would be deemed wholly irregular, and not be allowed. But in making this motion the counsel warned the Court of the danger of military coercion which environed its action, and in proof thereof read a telegram from the Military Headquarters at Vicksburg, as follows:

"HEADQUARTERS DEPARTMENT OF MISSISSIPPI,
Vicksburg, Miss., May 7, 1866.

Mr. Harrison Johnston, Ass't Special Agent U. S. Treasury, Columbus, Miss.:

In the suits brought against you for collecting cotton, plead Gen. Grant's General Order No. 3 of 1866, in bar thereof. If the order is not respected, let me know and I will see that it is.

By order of Major General Th. J. Wood.

MARCUS P. BESTOW,
Assistant Adjutant General."

In disregard of the usual and necessary rules of legal pleading, and in the absence of time to reply to the novel and complex plea of the defendant on the part of the plaintiff, I consented to hear the plea, telegram, and argument of counsel, in behalf of defendant.

I have thus far done all that lies in my power, even in view of the novel and extraordinary circumstances which surround me, to enable the defendant to bring the special issue which he means, instantly before the Court, and thereby to avoid all reasonable ground of complaint on the part of the military authorities. In doing so I have desired to manifest a proper respect for the officer by whose mandate it is alleged, as individuals, we are yet controlled in this military department.

The next step is one fraught with more important consequences to myself, involving inevitably a criticism upon my character as a man, and my integrity as a Judge. Before placing upon record, therefore, that decision, whatever it may be, and the reasons therefor, I may fairly claim a sufficient time for that calmness of thought and deliberateness of investigation so imperatively demanded by the delicacy of the duty I am forced to perform.

Under the statute in such cases provided, I therefore take the issue presented upon the pleadings, under advisement until the next term of this court, when in the language of Lord Coke—under similar circumstances—"I hope, by the help of God, to do that which is right and proper for a Judge to do."

General Wood was overruled as follows:

Maj. Gen. T. J. Wood,
Commander, &c., Vicksburg:

The attention of this Department has been called to the case of Porterwood against Treasury Agent Harrison Johnson, pending in the circuit court of Lowndes county, Miss., and to your telegram to Mr. Johnson, dated at Vicksburg, 23d April, directing him to plead Gen. Grant's General Order No. 3, in bar of said suit. As the act of Congress now affords jurisdiction of such cases to the federal courts, with ample means for judicial protection, it is not deemed necessary for military authority to intervene in behalf of Mr. Johnson, or in any way interfere with the action of judicial tribunals having cognizance of his case. You will therefore abstain from interference in the case.

(Signed) EDWIN M. STANTON,
Secretary of War.

As the planting season progressed the tests of the "free negro" as a dependable laborer were noted with much concern. The remarks of Col. Thomas, state Freedman's Bureau Commissioner, upon the reports of his assistants for March, were highly encouraging. Commenting the Vicksburg *Herald* said:

"We were impressed throughout with the candor and earnestness of the report, and felt gratified that so favorable a statement could be made for the well-being of the freedmen in the State, and the justice which is done them, not only by individuals, but by the civil authorities. We were assured that the reports of Col. Thomas have been always characterized by the same honesty of conviction which this exhibited, and a like disposition to do the people justice. In concluding his report, Colonel Thomas expresses regret that so many exaggerated and false statements are circulated through the North of outrages committed upon Freedmen and Northern citizens."

The results of the year agriculturally were looked for as a test of the dependability of the negro in freedom. The planting of the crop dispensed general encouragement. The following from the Woodville *Republican* of April 6th expressed this, though the outlook was soon overcast by that worst of all incidents of cotton growing, a wet season:

AGRICULTURAL.—Our local exchanges from all parts of the State are replete with encouraging accounts of the weather, crops and operations of the freedmen. This announcement is a pleasing one, as foreshadowing the planting interest of the country generally, and cannot fail in its beneficial effect upon our planters in this immediate section, whose prospects, for the present, were never more promising. Our farmers in this vicinity have gone to work with an energy which argues well for the future. The impression, so generally entertained among the planting community, that free labor could never be made available in farm operations, has, if our exchanges be correct, been somewhat dissipated by the recent conduct of the freedmen; they have accepted the "situation" in good faith, finding, by experience, that it will not justify them in a life of idleness. Freedom has not brought them shelter, food and raiment, unless accompanied by labor—this fact they have realized—being compulsory, it is powerful. Our planting prospects are truly hopeful. But with all this, much of the best cotton lands in the State will be uncultivated. In thousands of instances, the labor has left the plantations never to return, and the owners have abandoned all idea of attempting to make a crop. Capital and labor are our great necessities."

There were, of course, disturbances exceptional to the generally harmonious establishment of race relations and industrial affairs. But the just and firm course of the civil officials in maintaining peace and order, and in administration of the law cannot be questioned. The account of a fatal fray between Gen. Forrest on his Coahoma county plantation, and one of his laborers who was a wife beater, is quoted from the Memphis *Avalanche:*

"On hearing him commence his abuse, the General stepped into the cabin and told him that he should not beat his wife any more; that he had on several occasions beaten her most cruelly; that these outrages must and should cease, and that he (the General) would hereafter protect the wife. To this Thomas Edwards replied that 'he would be d—d if he wouldn't thrash his wife whenever he pleased; that he didn't care a d—d for Gen. Forrest, and would do as he pleased," at the same time assuming a threatening attitude, and using insulting language. The General remarked to him that he would not permit him or anybody else to insult him, and that if he persisted in using such language he would strike him. Edwards did continue to use insulting language, whereupon the General struck him over the head with a broom or its handle. Edwards immediately assaulted the General with a knife wounding him slightly in the hand. Unfortunately for Edwards, there was an axe in the cabin, which the General seized, and, as Edwards was rushing upon him, he received a blow upon his head which was instantly fatal."

While Gen. Forrest was held to appear before the Coahoma court, the case was investigated by a Freedman's Bureau official. And it is his remarks, which are quoted, in dismissing the charge that gives the incident historic significance. "Capt. Collis, of the

Freedmen's Bureau, who conducted the investigation, censured Gen. Forrest for too liberal indulgence of the negroes, especially in the matter of purchasing and carrying fire arms, and officially instructed him not to tolerate the practice in future. That seems to have been all the fault that was found with him in the transaction. Capt. C. is an old army officer, native and citizen of Connecticut."

At this date schemes for robbing the credulous and childlike negroes were of almost daily occurrence. A "contribution" of $5.00 each was collected from the negro soldiers mustered out at Vicksburg for "building a Lincoln monument." A correspondent of the Cairo *Democrat,* writing from Natchez, wrote:

> A certain colonel of a negro regiment (who was, by the way, cashiered) and a lieutenant have opened a "claim agency office." The duties of these two worthies are to callect all bounties which may be due the negroes. A few days since Maj. G——, who has been stationed here for some time, informed us that there was no bounty due these negroes. The claim agents, he said, received from five to ten dollars from each man, and promised to pay the bounty when received. Before the poor negro is through with these agents, we promise that the latter will have been most bountifully paid.

From the Meridian *Messenger:*

> A gentleman recited to us on the cars, a day or two ago, a series of swindling operations upon the poor negroes, in a neighboring town in Alabama, by their peculiar friends. We select two cases. On Christmas day the negroes came into town from the plantations, to the number of two or three thousand. Some of the soldiers stationed there discovered that they generally had a little money, and began sharpening their wits to get it. They went about through the crowd of darkies and disseminated a story that General Sherman was to be there on the 1st of January for the purpose of distributing among them the farms and property of the country, and it was necessary to have all their names put down on paper. A small fee was required for that purpose to defray certain little expenses. Those who paid a fee of $5 were to have first class farms; $2.50, second class, and $1, third and last class. The negroes bit at it like pikes at a shiner. It was estimated that in this way the sharp Yankees raised about a thousand out of the credulous negroes.

April 1st there occurred the first of the much predicted race riots, in Memphis. The following is quoted from the *Avalanche* account:

> That terrible state of affairs, between the white and black races, which the teachings of the radical extremists of the negro have caused the fear of, almost since the cessation of hostilities, commenced in our city about 6 o'clock yesterday, in serious and fatal earnest. The war began on South street, in the extreme southern portion of the corporation. It originated from a difficulty between a white and negro boy, near the bridge over the bayou, on the street already mentioned. These juveniles had come to blows, and Officers O'Neil and Stephens, of the police, on discovering it, started for the bridge to separate the parties, when a crowd of fifteen or twenty grown negroes, armed with pistols, simultaneously started for the same point. * * * At this time—6 o'clock—the riot was at its height, and Officers Slattery and Mallon, the only policemen who had arrived on the ground, had fallen severely wounded. In the meantime a message had been dispatched to the police office for reinforcements, and fortunately Mr. Sheriff Winters happened to be in the office at the time. He got into a vehicle and drove down at a rapid rate to the navy yard, to solict from Major General Stoneman, the general commanding this district, for the assistance of the troops under his command, to quell the riot. Sheriff Winters states that General Stoneman replied when he made the request that as the citizens of Memphis had petitioned to have the troops removed from the city, they would have to protect themselves as best they could, as he had no troops at his disposal for that purpose. The duty having devolved upon the sheriff to quell the disturbance, he took the most prompt measures to do so. He returned without delay to the station, summoned all the policemen he could procure and accompanied by Captain B. G. Garrett, chief of police, the men were marched to the scene of action. * * * While the sheriff and Captain Garrett were scouring the streets with their forces, a captain of the regular army, with a portion of a company belonging to the 16th regiment of regulars, arrived on the ground. One or two shots were fired by the negroes after the military made their appearance, but the sight of their fixed bayonets, and the determined bearing of the *posse comitatus,* caused them to fly, without loss of time, to their dwellings in the vicinity.
>
> Fires took place during the night in various parts of the city. and the greatest excitement prevailed among the citizens. Before the morning's sun rose no less than three colored churches,

four colored schools, and about thirty cabins had fallen a prey to the devouring element.

The number of negroes killed in all amounted to a dozen. Four were killed in the affray of Tuesday night; four, including the child, on Wednesday morning; and four during the fire on Thursday night. Several were more or less seriously wounded.

This riot, in which four white men and thrice as many negroes lost their lives, was charged up largely to the influence exerted upon the negroes by the negro troops, and to the spirit of race animosity encouraged, or tolerated, by Gens. Thomas and Stoneman. It was made the subject of a congressional investigation—the first of many which gave to such activities the name of the "outrage mill"; the finding being invariably colored so as to place the worst impression possible upon the Southern people, and for partisan capital. The Memphis *Avalanche* said, "If the committee will investigate fairly, the evidence of men who never yet lied, will convince them that but for the presence of negro troops the riots would never have occurred." The report of this committee was thus summarized in an *Associated Press* publication:

NEW YORK, June 12.—The Memphis riot committee found the rebel spirit there rampant, and the city government in the hands of Irishmen, who did not enter the rebel army, but who are now more disloyal than rebel soldiers. This latter class are disposed to be orderly and did not participate in the riots. They also found many Northern men engaged in speculation there, as bad as original secessionists, and that it is not safe to carry a Union flag through the streets. Military protection is considered indispensable not only to Union men, but to the safety of the property of all.

Under the policy decided upon of placing the administration of the Freedman's Bureau in each state under its military commander, the following announcement was made:

HEADQUARTERS DEPARTMENT OF MISSISSIPPI,
Vicksburg, April 14, 1866.

General Orders No. 17.

It is with deep regret the commanding general announces that Colonel Samuel Thomas, assistant commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands for this state has been relieved from duty here and ordered to report to Washington.

The enlightened, humane, just and impartial course pursued by Colonel Thomas in the performance of his delicate and arduous duties has secured for him not only the esteem and approbation of his professional brethren, but of the vast mass of the population of the state, both black and white. Based on just and sound principles, his administration has been productive of the most valuable results. Under his guidance and advice, many thousands of the freed people have found good situations, and are working at fair and remunerative wages. This result is equally advantageous to employers; the interests of labor and capital have been equally protected.

While caring for the immediate wants of the freed people, Colonel Thomas has sought to promote their further advancement by providing educational facilities for them, and stimulating them to avail themselves of these advantages. The success of the efforts for the education of the freed people in this state is truly encouraging.

Colonel Thomas will carry with him to his new field of duty the kindest feelings of the commanding general, and sincere hopes for his continued usefulness and prosperity.

By order of Major General Th. J. Wood.

MARCUS P. BESTOW, A. A. G.

While as an institution the Freedman's Bureau was regarded with unqualified aversion by the people, and though its evils were manifested in many ways and upon a multitude of occasions, with qualifications the tribute to Col. Samuel Thomas in the foregoing order found common approval.

VICKSBURG, Miss., April 26, 1866.

Circular No. 7.

The undersigned embraces the occasion of his assuming the duties of assistant commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands in this state, in addition to the duties of department commander, to announce what will be the fundamental principle of his administration, that of equal and impartial justice to all classes of the community.

Whatever rights are guaranteed to the freed people by the laws of the United States or the laws of this state, will be rigidly demanded for them. On the other hand, they will be required to perform all their duties as members of the community, and to observe faithfully and sacredly the obligations of all their contracts.

The undersigned most earnestly advises the freed people to seek permanent employment, under written contracts, rather than trust to the precarious reliance of transient situations or temporary labor for their support. He enjoins upon them to be faithful in carrying out the obligations of their contracts; to be honest and upright in all their dealings; to be economical; to be virtuous; to practice strictly all religious duties; to spare no efforts to provide, to the extent of their means, educational advantages, and to so avail themselves of them.

As no system or policy can be made so minute as to provide a redress for every grievance, or so effectually executed as to prevent the occurrence of any wrong, the undersigned earnestly advises the freed people not to become discontented or restless, believing there is a hopeful assurance that time and the progress of events will, at no distant day, secure to them fully all their just rights.

The undersigned requests permanent employers especially, and the citizens of the state generally, to practice, in their dealings with the freed people, not only justice and fairness, but kindness and generosity. Such a course, it is believed, is consonant with the duties of Christianity and an enlightened civilization, and will, in the end, be highly promotive of the interests of the entire community.

The planters are particularly requested to aid the freed people in securing advantages for education—especially to the juvenile portion. It is believed the laboring part of the freed people will more readily contract with, and labor more faithfully for, planters who pursue this course. It is a well known fact that an educated and moral laboring population is far more useful to the state that an ignorant and degraded one.

The educational branch of the bureau will cheerfully give assistance, to all persons who desire it, to procure teachers and provide other means for the instruction of the freed people in their employment.

In seeking protection for the rights of the freed people, reference will be had preferably to the local authorities, in the earnest and confident trust that they will dispense equal and impartial justice to them. Such officers are urged to remember the ignorance and weakness of the freed people; to investigate fully their complaints; and to afford them a just redress of grievances.

TH. J. WOOD,
Maj. Gen. Vols., Commanding,
and Ass't Commissioner, Bu. Ref. & A. L.

The integrity of the administration of the Freedman's Bureau law by Colonel Thomas and General Wood, and their just comprehension of the duties it placed upon them, greatly mitigated the inherent vices of its policy and provisions. But "more than temper the wind of the shorn lamb" they could not do. No administration could divest the law of the abuses and mischief it naturally germinated. It was not possible to prevent its conversion into an instrument of wrong and peculation by all the venal post commissioners. So general and grievous were the complaints against the administration of the law that an investigation was ordered by the War Department. Generals Steedman and Fullerton were detailed for such service. They visited every Southern state, holding sessions of inquiry and sending in reports as they progressed. Extracts which bear their own comment are quoted.

"A very unsatisfactory state of things exist. This originates in the arbitrary, unnecessary and offensive interference of the agents of the bureau with the relations between the planters and their hired freedmen, causing vexatious delays in the prosecution of labor, and imposing expenses and costs in suits before themselves about trivial matters that could readily be adjusted by the friendly advice of a sensible man. The effect produced by the action of this class of agents is bitterness and antagonism between the whites and freedmen, a growing prejudice against the government among the planters, and expectations on the part of the freedmen that can never be realized. Where there has been no such interference or bad advice given to the freedmen by the agents of the bureau there is a growing feeling of kindness between the races, and good order and harmony prevails."

It was "recommended that the services of the officers of the Bureau in Virginia be dispensed with, and that their duties be performed by the officers commanding the troops in the department."

In the State of North Carolina the Commissioners found the Freedmen's Bureau in a most deplorable and utterly demoralized condition, with a much stronger popular prejudice against it than in Virginia, which they frankly declare is entirely "attributable to the misconduct of many of the officers of the Bureau, such as are working plantations, running saw mills, manufacturing turpentine and tar, &c.—operations which bring them, armed with authority of their official positions, into competition with the citizens who are employing freedmen."

They report one of the sub-agents as stealing rations intended for the freedmen, and as hiring a large number of them to work on a farm and "charging them with Government rations as a part of their wages." Everywhere in North Carolina the agents of the Bureau were found to be working large plantations on their own account, and treating the freedmen as if they were slaves. They report, at great length, a former Federal army chaplain, who is the despotic governor of a negro colony opposite Newbern.

They also report that "freedmen" have been murdered in North Carolina by agents of the Bureau, and they produce evidence of another chaplain of the bureau having stolen and sold at auction government clothing intended for the freedmen. They report that having detected Major Charles Wickersham, an agent of the Bureau, in "compelling negroes" to work on a farm, for which service the major was to have one-fourth of the product of their labor, that officer attempted to vindicate himself by saying that he compelled the freedmen to comply with their contracts by puting ball and chain upon them merely to show that freedmen could be made to work.

This report, dated May 8th, was preceded by a letter in the New York *Herald* May 7th, forecasting its contents. Gen. Howard, bureau commissioner, rushed in a published letter the following day to a friend, which is here quoted:

> "I have not yet the facts as to North Carolina, but you and your friends may rest assured that every shadow of accusation of complicity in crime on the part of those officers there is utterly without foundation.
>
> "I expect denunciation of this bureau, but the same denunciation could be made against the Treasury Department, or any other department, and of the Government, with equal show of justice. The bureau does not do enough to secure the rights of the negro, I will admit, but it does not burn negro churches and school-houses; it does not reject negro testimony. It will endeavor to prevent starvation until the next crop comes in. It will always keep its legitimate objects clearly in view of promoting industry, education and justice."

To this the *Herald* responded as follows: "We have nothing at all to do in this matter with any particular officer of the Freedmen's Bureau. They all may be men of integrity, and we hope they are; for it is necessary they should possess some personal reputation in order to relieve the whole concern of its odious features. The chief officers are not to blame for the miserable workings of this enormous charity machine. The fault lies in the character of the institution itself and in the sordid operations of subordinate officers. It is, in fact, simply an institution for the re-enslavement of the colored population of the South, and is doing more harm to them than the old institution of slavery. It encourages idleness and vice among negroes and places power in the hands of unscrupulous persons to sell the labor and the bodies of ignorant blacks to the highest bidder. By the following it is shown that the War Department was not led astray by Gen. Howard's swift and sweeping assertions of the righteousness of his bureau tools:

Major General O. O. Howard, Commissioner Freedmen's Bureau:

The President directs that Col. E. Whittlesey, Assistant Commissioner of the Freedmen's Bureau for North Carolina; Capt. T. A. Seeley, superintendent for the eastern district of North Carolina; Capt. Isaac Rosekrans, commissioner of subsistence of volunteers, on duty in the Freedmen's Bureau; Dr. Rush, medical purveyor; Rev. Mr. Fitz, assistant superintendent of the Bureau for the Trent river settlement; Capt. Wheeler, agent for the Bureau at Kinston, N. C.; G. C. Glavis, chaplain, superintendent Goldsboro; Major J. C. Mann, assistant quartermaster and financial agent for the southern district of North Carolina, and Major Charles J. Wickershaw, sub-agent for the sub-agent Bureau at Wilmineton, be immediately relieved from duty and ordered to report in arrest to Maj. Gen. Ruger, commanding the Department of North Carolina, who will receive instructions in regard to their trial as soon as charges can be prepared against them by the Judge Advocate General.

If the following named persons are in the employment of the Bureau, they will in like manner be relieved and ordered to report in arrest to the department commander: Rev. Horace James, of Massachusetts, agent—without pay—of the Bureau in Pitt county; also his clerk, named Boyden; Mr. Winthrop Tappan, of Maine; Mr. Potter, said to be interested with Captain Seely, and a Mr. Brooks, said to be interested with Captain

Rosekrans in cultivating plantations; also, a brother of Capt. Rosekrans, said to be employed in the commissary department. You will please report your action in the matter for the information of the Secretary.

E. D. Townsend,
Assistant Adjutant General.

The commissioners, Gens. Steedman and Fullerton, continued their investigation throughout the South, sending in reports with like exposures of abuses of authority and corrupt practice, the worst of all being from South Carolina. Their work was concluded with Mississippi, the report of that state being quoted from as follows:

"The merging of the Bureau with the military in this State, has placed the control of freedmen's affair in the hand of Major General Thomas J. Wood, the Department Commander. Gen. Wood has greatly improved upon the administration of his predecessor, Col. Samuel Thomas, whose policy was not calculated to produce harmony between the two races. There is still notwithstanding the change of policy introduced by Gen. Wood, more ill feeling existing between the black and whites in Mississippi than we found elsewhere. There are, however, causes, operating in certain localities in this State beyond the control of any policy the Bureau might adopt, producing antagonism and bloodshed. This is the case at Grenada, where an organized band of desperadoes have for some time past held the town in terror, and in April last murdered Lieut. Blanding, an agent of the Freedmen's Bureau. The respectable citizens, who themselves have been subjected to outrage by this gang, strongly condemned the crime, and sought to have the murderers brought to justice.

At Meridian, in the same State, a condition of things nearly as bad appears to prevail. The Bureau officer there, Major J. J. Knox of the V. R. C., was fired upon in the night some time ago, for what reason we are unable to learn, as he seems to be an excellent officer and on good terms with the people generally. These were the only cases of outrages on officers of the Bureau; in other districts the agents are well protected.

At Columbus, Major Smith of the V. R. C., the agent stationed there, made some remarkable statements to us, which perhaps may serve to show the way in which the reports of agents of the Bureau are sometimes concocted. He at first said that the people of his district were well disposed, that the freedmen were doing well, and kindly treated by all except the poorer classes of whites, from whom alone they required protection. In a very few minutes afterwards he asserted that outrages upon freedmen had been committed by two-thirds of the planters in the neighborhood. When pressed to state specifically the nature of the outrages, and by whom committed, he mentioned three only, all of which had been committed on the same plantation by the overseer, and all of which had been remedied by the planter himself as soon as his attention was called to them. On investigation we found the statements of this officer as to the ill-treatment of negroes grossly exaggerated, and learned that the agent himself had on one occasion advised a planter with whom he was dining to club any negro who refused to work.

Aside from the places of which we have spoken as being infested by bad men, we found the negroes in Mississippi working industriously, and as a rule kindly treated and doing well. In this State, as in others we have visited, the officers of the Bureau formerly exercised judicial powers, imposed and collected fines, and often kept the records. We found a marked instance of this kind at Grenada, where the former agent of the Bureau, Chaplain Livermore, did a thriving business in the way of collecting fines, selling rations and government horses and mules. He displayed remarkable speculative propensities. He charged fees ranging from a quarter of a dollar upwards for every conceivable thing—fees for marrying freedmen and fees for permits to marry. No fish was too small that came into his net. One darkey owed him a dollar and a half and had only a dollar to meet the claim. Livermore took his wallet and jack-knife for the balance of fifty cents. This close driving is probably to be accounted for by the fact that Chaplain Livermore openly expressed his determination to return to Illinois with ten thousand dollars in his pocket. He sold pork, potatoes and captured mules to citizens. He made arrests and convicted or acquitted according to the pecuniary argument employed. After he had been removed from his post he offered a military officer fifty dollars for his influence to retain him in his position. Chaplain Livermore left no official papers behind him to show what disposition he had made of the funds he had received. A large amount was also collected by the first two agents at Columbus, in the shape of fees and fines, and so far as we could learn, no account was ever rendered of it. This class of officers have lately been mustered out or have disappeared, and under the present administration, the agents exercise no judicial powers."

The secretary of the commission was correspondent of the New York *Herald*. He thus maligned this state:

> Mississippi is just about the hardest case on record. We have not been in the State a week yet, and have already found more instances of genuine outrage, more bitterness and more lawlessness than in Virginia, North Carolina, South Carolina, Georgia, Florida and Alabama combined. If Mississippi were the South, or the Southern States were all Mississippi, there would be some degree of truth in the theory of the congressional majority with regard to the South and in the statements of the radical press. But Mississippi is happily an exception, and a very glaring one, to the other States.

The Vicksburg *Herald* said:

> "As Gens. Steadman and Fullerton will soon be here, would it not be well for those gentlemen to investigate the proceedings of the Freedmen's Bureau officials at Davis' Bend. The reports of corruption at that place, render it necessary that the officials, if innocent, should be exculpated, and if guilty, gibbetted after the style of the Virginia and North Carolina rascals."

Davis Bend plantations, chiefly owned by President Davis and his brother, was the freedmen's bureau "garden spot" on the river. The commission not having time to investigate the "reports" they were taken in charge by Gen. Wood. They were based upon the most bare-faced robberies of the negroes of the proceeds of their labor, by the bureau agents and employes. The "corruption" was broken up and the dens and thieves cleaned out by Gen. Wood.

The commissioners closed their report with the declaration that "The necessity of the bureau had ceased and while it had been beneficial in some localities, it had been productive in the aggregate of more harm than good. It had occasioned and will perpetuate discord though administered by the purest and wisest men." The contract labor practice which the bureau had instituted was strongly condemned. This judgment was passed on. Farm labor contracts were commonly made the subject of barter and bribery by the bureau agents. Contracts which they insisted on in writing were their regular stock in trade.

As a rule if the planter refused to be held up in his labor disputes decision was rendered in favor of the freedman. If the planter paid for it he could have the bureau authority exercised in his favor right or wrong. Parson Livermore, the Grenada agent, was a type. Out of the bad feeling he engendered came the assassination of his successor. Captain King, who was subsequently assassinated at Greenville, supposedly by a negro, was another of the same stripe. His traffic in contracts was notorious. The same may be said of the agent at Meridian, Major J. J. Knox, who narrowly escaped the same fate. The late Captain W. C. Raum of Vicksburg, who planted in Clarke county in 1866, related to the writer incidents from his memory of that agency. Captain Raum was his victim upon more than one occasion. At one time he was fined $150 for flogging a vagabond negro he caught burglarizing his store room at night. Such extortions were common, and yet Garner, in his "Reconstruction in Mississippi," page 268, "was only able to find one instance of official dishonesty among subordinate bureau officials which was the case of an agent in Rankin county."

The report of General Steedman and Fullerton was lost on Congress. Regardless of the recommendation that the Freedmen's bureau should be abolished, that however wise and pure its adminstration it would perpetuate discord, produce more harm than good, a bill was passed through Congress modeled after the one the President had vetoed in February; extending the life of the bureau and adding to its powers. The following section affirmed and fixed the jurisdiction of the bureau officials as despotic and unrestrained as Russian provincial government.

> Sec. 14. In all the States lately in rebellion, and until such States are duly represented in Congress, the right to make and enforce contracts, and all other civil rights, shall be enjoyed by all citizens without distinction of color, and until the constitutional relations of such States are restored, the President of the United States shall, through the officers of the Bureau, prescribe military protection and have military jurisdiction concerning the enjoyment of such immunities; and no greater punishment shall be inflicted upon colored people for violations of law

than that to which white persons are liable. The jurisdiction conferred upon officers of the Bureau by this section shall cease in every State where the administration of justice by the State and United States Courts is undisturbed and the State is represented in Congress.

The president vetoed the bill July 16, 1866. He said the measure clearly fell within the terms of his previous veto of a like bill. He reaffirmed without repeating his objections as then stated. He said: "Now that the war had been brought to a close the necessity for such tribunals which had their origin in the war no longer existing, grave objections to their continuance must present themselves to the minds of all reflecting and dispassionate men." Reciting provisos from the civil rights bill "against the necessity of the pending legislation," he said:

> By the provisions of this act, full protection is afforded through the District Courts of the United States to all persons injured, and whose privileges, as thus declared, are in any way impaired, and heavy penalties are denounced against the person who wilfully violates the law. I need not state that that law did not receive my approval, yet its remedies are far more preferable than those proposed in the present, the one being civil and the other military.

Historian Rhodes says—page 598, Vol. 5, of his history of the United States—"The contrivance of the Freedmen's Bureau was an act of charity." Than that defense nothing could be more inapt. The thing of all others not needed in the South was "Charity"—an incentive to idleness and vagrancy which emancipation had turned loose like a devouring host of locusts. With a cotton famine which opened the purse of the world to pay labor in the cotton fields no where in the world was charity less needed than among the negroes the Freedmen's Bureau had in charge. This statement is verified by the following order issued by Gen. Wood shortly before the act prolonging the bureau was passed:

"In the future no rations will be issued to Refugees or Freedmen, except to persons who are absolutely unable to support themselves by reason of the helpless tenderness of youth, the extreme infirmity of age, by disease, or permanent physical debility.

The mere destitution of persons of any sex or class, who are able to labor, is no reason for giving them aid from the Government. In the present great demand for labor, a demand which far exceeds the supply, there is not the slightest shadow of an excuse for any able-bodied person being destitute. All who are willing to labor can obtain fair wages."

Regardless of rules the bill was pressed to a vote in both houses the same day and passed over the President's veto by a party vote. The line was now so rigidly drawn that henceforth, the President's vetoes were no more than moral protests. Another testimonial of the ban under which the Southern white people lived was displayed in a law with the following sequel:

"War Department, Bureau of Refugees, Freedmen
and Abandoned Lands,
Washington, July 2, 1866.

Circular No. 7.

The attention of the Assistant Commissioners of the States of Mississippi, Louisiana, Arkansas and Florida, is called to an act of Congress for the disposal of public lands for homesteads and actual settlement in these States, approved by the President June 21st, 1866. By the provisions of this act freedmen and whites who can take an oath that they have not borne arms against the United States Government, have the exclusive right till January 1st, 1867, of entering public lands in the following manner: The applicant must make an affidavit that he is at the head of a family, or is 21 years of age, or shall have performed service in the army or navy of the United States, that the application is for his own exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, and upon filing the said affidavit with the register or receiver of public lands at the land office of the districts in which the lands are located and the payment of five dollars, the applicant can enter not more than eighty acres of land and take immediate possession of it. At the end of ten years, if the land has been held and cultivated by the applicant, a patent giving him full right and a legal title to the land will be issued upon the payment of five dollars."

Other tyrannous agencies and activities are noted:

> "WASHINGTON, July 1, 1866.
>
> "General Order No. 44.
>
> "Department, District and Post Commanders in States lately in rebellion are hereby directed to arrest all persons who have been or may hereafter be charged with commission of crimes and offences against officers, agents, citizens and inhabitants of the United States, irrespective of color, in cases where the civil authorities have failed to arrest and bring such parties to trial, to detain them in military confinement until such time as a proper judicial tribunal may be ready and willing to try them. A strict and prompt enforcement of this order is required.
>
> "By command of Lieut. Gen. Grant.
>
> E. D. TOWNSEND,
> *"Ass't Adj't General."*

In publishing the above General Wood also announced in orders, the names of the United States Commissioners appointed by Judge Hill for the enforcement of the Civil Rights Bill. The order directs—

> "The officers of the Bureau in this State will immediately put themselves in communication with the Commissioners in their respective districts, establish harmonious relations with them, bring to their notice all infractions of the Civil Rights Bill, and aid in bringing the violators to justice.
>
> "In cases which, under the State laws, injustice is done to the freed people, the Commissioners must be appealed to for the proper legal redress; and the officers of the Bureau must aid the freed people by their advice and suggestions in availing themselves of the protection granted by the Civil Rights Bill."

All of these creations of commissions and bureaus, the endless chain of general and special orders and circulars of instruction, for guarding the freedmen laborers from the oppressions of their white employers, however honestly administered, were so many devices for keeping open the running sores of white humiliation and discontent and race estrangement.

The harassing, tyrannical, rapacious regulations governing the sale of cotton, the treasury department rules and agencies for collecting the taxes levied upon it, the bare-faced robbery practiced upon the cotton growers under claims for possession of "Confederate cotton," have already been described. The sum total of the cotton confiscation and extortions during the year 1865 has never been enumerated. But enough is shown by contemporary publications to place it far above the sums received from the cotton tax in the ensuing years. The question of the tribute to be thus levied upon the cotton growing states appears prominently in the congressional proceedings. A government commission included in its report upon the state of the cotton industry the following recommendation:

> That a tax of five cents per pound be levied on all cotton raised in the United States from and after July 1, 1866; that a tax on cotton consumed in the United States be levied on manufacturers, and upon that exported upon merchants at the port of export, vessels not to be allowed clearance without a certificate that the tax has been paid; also, that a drawback on cotton fabrics to the full amount of the cotton be allowed; that all cotton goods exported be exempted from other excise taxes; that so long as there shall be a tax upon American raw cotton, there shall be a specific duty on all imported cotton fabrics of as many cents per pound as are levied on raw cotton.

Apart from its questionable constitutionality, the imposition of a tax on cotton was brutally cruel. It was peculiarly heartless as a hardship on the negro, who under any form or system of labor contract was destined to pay the larger portion of the tax. This was lost sight of in the hate inspired design for punishing white "traitors." The cunning contrivance for relieving the Northern manufacturers from the tax will be noted in the commission recommendation. Meetings were held in protest against the imposition. The Memphis Chamber of Commerce appointed a delegation headed by a prominent Republican and ex-Union soldier to present the grievance to the riot committee then in that city. The New York Chamber of Commerce memorialized congress against it. All such pleas for justice, mercy and sound policy went for nothing. Indeed Thad Stevens urged that the tax be raised to ten cents. He contended for the tax as a penalty to be imposed, that those who were responsible for the war debt pay something toward liquidating it. His idea was favorably received though the majority objected to so heavy a tax, as it might kill the goose that lay the golden eggs. The bill finally passed the house, fixing the tax at 5 cents a pound. This was reduced to 3 cents by the senate and thus fixed, congress felt, doubtless, like the spoiler of India "amazed at its moderation." Delivered as an act of vengeance and held to be unconstitutional, the moral effect of this tax was as hurtful as the material. And, adding to the oppressiveness of the burden, cotton went down as low as 15 cents a pound while the tax prevailed.

The ever reprehensible and significant feature of the cotton tax was in its reflection of the congressional hostility toward the South: whose distressed and prostrate condition might have been expected to attract compassion. How the infliction was looked upon in the South may be read in the following, from an editorial in the Vicksburg *Herald* of June 29th:

> No greater outrage, no greater usurpation of power, amongst the very many perpetrated by this thirty-ninth Congress, has been committed, than the imposition of this tax on cotton. Taxation in any form, without representation, is sufficiently onerous and tyrannical, but to select a staple article of trade, peculiar to one section of the country, upon which to lay an enormous tax, and that section to have no voice or hearing in the matter, is an act of flagrant tyranny never surpassed.
>
> Did it ever occur to these gentlemen of Congress, that a tax of five cents on cotton would be equivalent to paying, from ten to twenty dollars a year rent on every acre of land planted in cotton. Tax the grain fields of the West and North in the same ratio, tax the spindles of Lowell and Salem, so as to produce a proportionate revenue, or let even such a thing be discussed, and such a storm of abuse will sweep over the heads of these narrow-minded tyrants, as will bring them to a sense of their folly and madness.
>
> Apart from the injustice of the act, to speak of it in the mildest terms, it is unstatesmanlike and short-sighted.
>
> They are blinded with rage, and in the mad pursuit of party ends, fail to see the disaster they must bring upon the country.

Ignored by standard writers of Northern birth these side lights of events illuminate the scrolls of history with the truth of the temper of the times as nothing else can. Another accentuation of persecution and hate was furnished in the report of the U. S. grand jury at Norfolk, June 18th. In a list of near fifty bills of indictment for treason were included Gen. R. E. Lee, his sons, Generals G. W. C. and W. H. F. Lee, Generals Longstreet, Ewell, Hampton, Early, Mahone, Secretary of War Seddon, Secretary of the Navy Mallory, Governor Smith of Virginia and President Jefferson Davis. Certain Confederate officers of high rank selected to local offices, were ousted by order of Secretary of War Stanton. Aroused by rumors that Jefferson Davis would be bailed out of prison, the house passed the following resolution, introduced by Boutwell of Massachusetts:

> Whereas, It is notorious that Jefferson Davis was leader of the late rebellion, and is guilty of treason; and whereas, by the President's proclamation, May, 1865, Mr. Davis is charged with complicity in the assassination of Lincoln, and said proclamation not being revoked,
>
> Resolved, It is the opinion of the House that the said Davis should be held in custody and tried according to law.
>
> Rogers objected.
>
> Boutwell moved a suspension of rules, as Rogers desired to ask a question.
>
> The Speaker ruled the debate out of order.
>
> Rogers, however, asked if Boutwell or any unprejudiced man believed Davis guilty of complicity in the assassination of Lincoln.
>
> The Speaker called him to order and said he must take his seat.
>
> The rules were suspended and the resolution passed. Yeas, 105; nays, 19.

In the meanwhile the joint reconstruction committee, of 15, Senator Fessenden chairman, was taking testimony on which to base its report to congress of Southern conditions, with recommendations of legislation accordingly. In this day no one, not even the most extreme Republican, can read the conduct of the examination of witnesses, and the treatment of their testimony in the committee report, without feelings of wonder and shame at its sectional intolerance and partisan prejudice. For illustration, one page is quoted as follows: "Let us look at the facts shown by the evidence of the committee. Hardly is the war closed before the people of these insurrectionary states come forward and haughtily claim the privilege as a right of participating in that government which they had been fighting four years to overthrow." On the next page: "The testimony is conclusive that after the collapse of the Confederacy the feeling of the people of the rebellious states was that of abject submission." Neither description is true—in 1866 there was no "haughty claims" and no "abject submission."

In a letter to Senator Fessenden, Senator Graham, of North Carolina, suggested that it would be but justice to permit the delegation elected from each state to be present at the reception of all evidence touching that state before the reconstruction committee, with the privilege of cross examining witnesses, and, if deemed proper, introducing counter evidence to drive home proof of the hard treatment of the South. Mr. Graham quoted as follows from a letter written by Major Henry C. Lawrence, agent of the Freedmen's Bureau, of North Carolina: "I think it would be less outrage upon the principles of self-government and upon the constitution to treat the South as conquered territory, and govern it by our territorial system, than to do what is proposed to be done. And in that case Mr. Sumner might secure juries composed equally of white and black men. I felt ashamed for myself as an American, and for my government, when a few days ago Judge Buxton of the Supreme Court of this state, called at my office to enquire as to the extent of the jurisdiction he would be permitted to exercise in a term he was about to hold." In replying Senator Fessenden demonstrated to his own satisfaction if not that of the distinguished North Carolinian, why his request would not meet with compliance. "It is not customary he said to allow cross examination of witnesses before a committee appointed to report on a subject not involving individuals. The committee is supposed to be desirous of ascertaining the truth and capable of making all examination necessary." Whatever may have been Senator Fessenden's reasons for denying Senator Graham's request, the fact exists that cross examination would have been fatal to such testimony on which his committee reached its conclusion of southern conditions.

The list of witnesses included men of prominence from the south, among whom were General R. E. Lee, Vice President Stephens, Governor Johnson of Georgia, Judges Sharkey and Hill of Mississippi; department commanders and other military and bureau officials serving in the South and a crowd of obscure civilians, mostly of Union proclivities and northern birth—"swift witnesses" to the prejudice and hurt of southern people. The testimony was divided as "affirmative" and "negative" on the questions of the necessity of the Freedmen's bureau and troops; a general enmity and occasional cruelty toward the negroes; opposition to the payment of the national debt; disloyalty of newspapers and politicians; continuance of secession principles; hostility to the Union and Northern men. While the report contains some scant references to the evidence of the "negatives," it was formulated and tinctured only according to that of the "affirmatives." Incidental and exceptional abuses were taken up and dwelt upon as the rule. The whole people were adjudged guilty on distorted and biased statements mainly hearsay. No allowance was made for the natural feelings and sentiments of a conquered and ruined people. All to their prejudice, was set down in malice, nothing extenuated through just, far less sympathetic, consideration.

General Robert E. Lee, then engaged upon his duties as president of the Washington and Lee University, was called to testify, February 19th. He appeared in Washington and his testimony occasioned utmost interest on account of his personality. His words were marked by the characteristic dignity, candor and moderation of the man. In reply to questions propounded by Senator Howard, he denied knowledge of any contemplation or purpose of opposition or resistance to the United States government. The people favored President Johnson's policy of their restoration to the Union. Every one, he said, seemed to be engaged in his own affairs and endeavoring to sustain the state civil government.

Senator Howard was persistent in questioning General Lee, if hostile sentiments were not felt toward the government—if he had not heard frequently expressions of a wish or a willingness for it to be embroiled in foreign wars, in which, "the secessionists would join the common enemy." In spite of the answer that he had never heard such utterances—that the only reference to war ever made in his hearing was the hope that the country would not be led into one—the question was restated in this gratuitously offensive form: "If it is a fair question (you may answer it or not as you choose) what in such event might be your own choice?"

Q. You do not feel down there that, while you accept the result, we are as generous as we ought to be under the circumstances? A. They think the north can afford to be generous.

Q. That is the feeling down there? A. Yes: and they think that it is the best policy—those who reflect on the subject and are able to judge.

Q. I understand it to be your opinion that it would be the surest means of regaining their good opinion? A. Yes, and the speediest.

The trend of radical thought was disclosed by the question if "it would be practicable to convict a man in Virginia of treason, for having taken part in the rebellion against the government, by a Virginia jury, without packing it with direct reference to a verdict of guilty. Upon his disclaimer of any knowledge on the subject, the question was thus brutally made specific:

Q. You understand my question? Suppose a jury was impanneled in your town and neighborhood, taken by lot, would it be practicable to convict Jeff. Davis for having levied war on the United States, and thus having committed the crime of treason? A. I think it would be very probable that they would not consider he had committed treason; I do not know whether a jury would heed the instructions of the Court to convict the offender.

Q. They do not generally suppose that it was treason against the Government, do they? A. I do not think they so consider it. So far as I know they look upon the action of a State in withdrawing from the Government, as carrying the individuals in it along with it; that the State was responsible for the act. and not the individual. I am referring to the past.

Q. State, if you please, and if you are disinclined you need not answer—what were your own personal views on that question? A. That was my view: that the act of Virginia withdrawing herself from the Union carried me with it as a citizen of Virginia, and that her laws and her acts were binding on me.

Q. And that you felt to be your justification in taking the course you did? A. Yes, sir.

Q. I have been told, General, that you have remarked to some of your friends, in conversation, that you were rather wheedled or cheated in that course by politicians? A. I do not recollect ever making that remark; I do not think I ever made it.

Q. If there be any other matter about which you wish to speak, do so, freely. A. Only in reference to the last question you put to me; I may have said, and I may have believed, that the position of the two sections which they held to each other was brought about by the politicians of the country; that the great masses of the people, if they understood the real question, would have avoided it, but not that I had been individually wheedled by the politicians; but I did not believe at the time that it was necessary in the condition of affairs, and might have been avoided, if forbearance and wisdom had been practiced on both sides.

The policy of vengeance that was broached in the examination of General Lee was more plainly expressed when U. S. Judge Underwood was placed on the stand January 31st, as here quoted: Q. Could either Jefferson Davis or General Lee be convicted of treason in Virginia? A. Oh, no; unless you packed the jury. Q. Could you manage to pack a jury there? A. I think it would be very difficult, but it could be done. I know very earnest, ardent Union men in Virginia." Soon after this shameful assurance was given by Judge Underwood, indictments were returned in his court against President Davis and General Lee.

Being one in heart and soul with his people, General Lee but spoke as they thought and felt. He was resentfully criticized by many, including General Grant, who was quoted as saying that "General Lee was behaving badly—showing a poor return for the government's magnanimous treatment." And yet the Confederate war chief but voiced the view which men of both sections hold today. But the North was now passing under control of bitter and intolerant counsel.

The testimony of A. H. Stephens was most illuminating. His denial of the right of congress to impose the radical policy of reconstruction upon the Southern states was as absolute as it was unanswerable in logic. He testified that emancipation had been accepted in perfect good faith; that the ensuing relations between employers and employes was as good as anywhere in the country; the people would be very averse to negro suffrage; they favored leaving suffrage and the basis of representation where the constitution leaves it; while exceedingly anxious for restoration, the people would not willingly do more than they have done for it. Since the war was waged to maintain the indissolubleness of the Union, and since that had been accomplished, people thought these states were entitled to all the rights under the constitution. In this they had been disappointed. Being asked if it was his opinion that neither of the alternatives, negro suffrage or reduction of representation, should be accepted, Mr. Stephens answered that "the terms should not be offered as conditions precedent."

Question by Mr. Boutwell:

Suppose the states that are represented in congress and congress itself, should be of the opinion that Georgia should not be permitted to take its place in the government of the country except upon its assent to one or the other of the two propositions suggested, is it then your opinion that Georgia ought to decline?

Witness. You mean the states now represented, and those only?

Mr. Boutwell. Yes.

Witness. You mean by congress, congress as it is now constituted, with the other eleven states excluded?

Mr. Boutwell. I do.

Witness. And you mean the same alternative proposition, to be applied to all eleven states as conditions precedent to their restoration?

Mr. Boutwell. I do.

Answer. I think she ought to decline, under the circumstances and for the reasons stated and so ought the whole eleven.

Should such an offer be made and declined, and those states should be kept out, a singular spectacle would be presented—a complete reversal of propositions would be presented. In 1861 these states thought they could not remain safely in the Union without new guarantees, and now when they agree to resume their former practical relations in the Union under the constitution, the other states turn upon them and say they cannot permit them to do so safely to their interests without new constitutional guarantees. The Southern states would thus present themselves as willing for immediate union, under the constitution, while it would be the Northern states opposed to it. The former disunionists would thereby become the unionists and the former unionists the practical disunionists.

Q. Do you mean to be understood that there is no constitutional power in the government as at present organized, to exact conditions precedent to the restoration to political power of the states that have been in rebellion to the United States?

A. That is my opinion.

General George H. Thomas, commanding the department of Kentucky, Tennessee, Georgia, Alabama and Mississippi, gave evidence such as the committee based its report on. His testimony is quoted:

"Union men and freedmen have not, to any great extent, been in danger of their lives. But few instances of violence have been reported to me. Generally speaking, the presence of United States troops, and officers of the Freedmen's Bureau, has been sufficient to put down any demonstrations of hostility. I do not think it would be expedient to remove the troops until the people show that they are themselves willing and determined to execute civil law with impartial justice to all parties. I think public sentiment is divided on the subject of allowing freedmen to become freeholders. I have heard of no legislation on that subject either to empower them to become freeholders or to prohibit them from becoming such. If the national troops and Freedmen's Bureau were to be withdrawn from the state at this time, I don't believe the Union men or the freedmen could have justice done them. Injustice toward them would commence in suits in courts for petty offences, and neighborhood combinations to annoy them so much that they could not reside among them. I am satisfied, until a better state of feeling shall arise, that if all restraint should be removed, the freedmen would be thrown back into a condition of virtual slavery; that is, they would be compelled by legislative enactments to labor for little or no wages, and legislation would assume such form that they would not dare to leave their employers for fear of punishment; and unless men who had been Union men through the war, had very strong personal friends, they could not live in the state; they would be annoyed so much in various way that they could not live there in any peace or comfort.

I do not think Georgia differs materially from Alabama. There may be somewhat more of personal hatred toward the negro in his relation as freedman, but as yet it has been easily controlled through the Freedmen's Bureau, and that feeling is constantly improving in all the states. The people of Mississippi appear to me to be more impulsive and more prone to stand up for and assert their opinions. It is a difficult matter to describe the difference between the people of these two states, yet there is a difference. I consider the people of Mississippi the least promising. The people of that state do not listen to argument and discussion with as much calmness as the people of Alabama do. I don't know that I can give a decided opinion of the difference in the state of the feeling in those states now and just after Lee's surrender, because the reports I received soon after Lee's surrender, were generally from persons who traveled hurriedly through that section of the country. I think in the great majority of cases they were disposed to look on the most favorable side immediately after the surrender of Lee and the downfall of the Confederacy, and perhaps they did not investigate as closely as persons would at the present time. The universal reports made to me by persons traveling through that state at that time was to the effect that the mass of the people were happy at the downfall of the rebellion and at their prospect of soon again getting under the Constitution and government of the United States."

General Sheridan testifying as to Louisiana and Texas said that without the protection of the army the loyal men would be unsafe and have to leave the country. Without the freedmen's bureau, with the negroes left under the exclusive control of the white people, a war of races would ensue. He expressed the following sound views of a Southern policy:

"I believe the best thing that Congress or State can do, is to legislate as little as possible in reference to the colored man beyond giving him security in his person and property. His social status will be worked out by the logic of the necessity for his labor. It is the only labor that can be obtained in the Southern States for some time to come.

"I believe the majority of the people are not opposed to the general government, and, in fact, earnestly desire to be restored to a perfect Union with the other States. Still, sufficient time has not yet elapsed to efface the recollection of their having been reduced from affluence to limited means, the chagrin of being conquered, and to submerge the idea of glorifying rebellion and its representatives. This latter idea and its consequences prevail to so great an extent that I consider the retention of the military in Louisiana for some time as necessary for the security of emigrants, freedmen and capital. * * * The feeling and sentiment of those within the limits of my command is as good, perhaps, as could be expected; still not satisfactory."

Here follows a sympathetic reference to the economic condition of the people of Louisiana, closing with the statement that "it is not surprising that a spirit of bitterness and discontent should prevail." The only actual violence noted by Gen. Sheridan is in the following: "There is a class of lawless people in Texas which cannot be controlled except by the military."

General Grierson testified in reference to Mississippi, Alabama and Tennessee. "The majority of the people," he said, "were hostile to the government. They did not think they had done anything wrong in warring on it—their only regret was, that they had failed. He "believed there is now an organization for the renewal of the rebellion." The spirit of resistance, he said, is as strong as ever, and in the event of a foreign war, the South would not fail to seize the opportunity for destroying the Union.

Other military commanders, Terry in Virginia, and Custer in Texas, testified. The former, while saying he "had no social intercourse with any except known Union men, the people of Virginia were very disloyal, and would gladly embrace an opportunity for independence." Custer said if "the troops were withdrawn loyal men could not remain in Texas." Gen. Howard testified that "many persons exhibited ill feeling and a disposition to circumvent the government requirements with reference to the negro." In truth such carping complaints were against show of feelings which were natural and irrepressible a year after the war.

Gov. Wm. L. Sharkey, examined by Mr. Boutwell:

I will state, in general terms, that when I went out to Mississippi as Provisional Governor, a very large majority of the people—I do not know but fifty to one—were perfectly reconciled to the condition of things, and very anxious to be restored to their former position in the Union. I think they were sincerely and honestly so; that was the current sentiment, beyond all doubt, at that time; the rebel military leaders were perfectly satisfied, and I do not know but as a general rule they were the most loyal part of the community; they gave up honorably, and all said they were disposed to accept things as they found them; but there were a few men within my own knowledge who had done but little during the war, who were dissatisfied; but a very large majority of our people were as loyal, to use the term in its proper sense, as any people in the United States—that is to say, they were willing to obey the government and its laws, and to support and to sustain it, and I think they are so yet.

I should make this remark, however: the people came up freely and voluntarily and did, as they supposed, all that was required of them; they met all the demands of the President and with great cheerfulness; what changes may have occurred since I left there I cannot tell; but I do not think any material changes have taken place; still, you know when men do all that is required of them and all that they think is right, pressure does not in any degree contribute to their loyalty, and I have been very much afraid that the condition of things here would shake their confidence in the government; I was so well satisfied with the temper, disposition and wishes of the people that I did not think it necessary to submit the amended constitution to them at all. I was perfectly sure that the people were fully and fairly represented; the members of the convention were elected on the general proposition of reforming the Constitution, and I have no doubt that they represented truly the sentiments of a large majority of the people of the State.

Q. What is the general condition of the freedmen in Mississippi; are they disposed to labor, and are they laboring and receiving fair wages?

A. They have gone to work with a great deal of good will, and in most parts of our State they are hiring freely and cheerfully; the freedmen, as I hear from all parts of the State are doing remarkably well; however, there is no disguising the fact, the freedmen's bureau and the colored troops there have done more mischief than anything else; the great amount of complaints originate from the localities where the negro soldiers are.

Wherever there is a negro garrison the free negroes congregate around it and as a matter of course crime and depredations are committed. I truly believe if at the time I was there all the troops and the freedmen's bureau had been withdrawn, I could have had a perfect state of order throughout the state.

Governor Sharkey further testified that the Mississippi congressmen-elect without exception were opposed to secession—all had been Whigs except one. This was the tribute paid voluntarily by the Southern voters and their leaders to Northern sentiment—a tribute it is needless to say that was of no avail whatever.

Federal Judge Hill, a consistent Union man throughout the war, like Judge Sharkey, testified favorably of the condition and treatment of the negroes and of a "universal disposition of loyalty to the United States."

Union General John Tarbell, who had purchased a farm in Scott County, Mississippi, gave in a different experience story from that of most of his class. "The intelligent accepted the situation in good faith," he said. "Their disposition was to give negroes all their rights, except suffrage; they have well grounded complaints against the freedman's bureau; reports of outrages on negroes are greatly exaggerated. Many in the North very greatly overrate the negro; I have entire faith the races will settle down on terms equitable and just to both.

Like Gen. Thomas, and others, Gen. C. B. Fisk gave to Mississippi a particularly bad bill of health. Everywhere he scented disloyalty, but "Mississippi was in a worse condition than any. There is more brutal treatment of the negro and more persecution of white loyal citizens." The most he could say of Arkansas and Alabama was that they "were better than Mississippi." Gen. Fisk testified strongly for the retention of troops and the bureau in the South—that "the freedmen would not remain there otherwise. Northern men could not live there. With sentiment inflamed by the women, the pastors and the newspapers the great mass are bitterly hostile to the government. The newspapers urge the people not to let the Yankees settle among them." Of such fly blow testimony as General Fisk's, by a hundred witnesses, there are hundreds of pages.

The champion witness was Capt. J. H. Matthews, of the 66th colored infantry, stationed at Magnolia, in Mississippi, as sub-bureau commissioner. Of the large store of horrors he unloaded on the committee, the following was the crown and climax: "On the Kane plantation near Zion hill a woman was literally cut to pieces, in which Kane, a militiaman, took an active part. He and the lieutenant of the militia company can be identified as being present."

"I respectfully invite your attention to a murder committed by one Jno. H. McGee, some nine months since, which would challenge the world for an equal in studied brutality, but for want of facts, I did not feel warranted in reporting before. The negro was murdered, beheaded, skinned, and his skin nailed to the barn. * * * I have given these statements in a plain household style, and my only regret is my inability to do the subject simple justice." That story had been reported to Col. Thomas, of the Freedmen's Bureau, early in January. Being apprised of it action was taken—a month before it was laid before the committee—as stated in the following from the Woodville *Republican:*

> On the 14th of February, there was a meeting of the citizens of Zion Hill, Amite county, for the purpose of investigating into the truth of reports made to Gen. Thomas by one Captain Matthews, Commissioner of the Freedmen's Bureau, lately stationed at Magnolia. Among the statements made in his report, was one that Mr. John H. McGehee, of Amite, had "murdered and skinned a negro, and nailed his skin to his barn door." This and other statements were found to have no—or such slight—foundation that they readily fell to pieces at the touch of the investigating committee. Their utter falsity was abundantly proved, and resolutions were passed condemning Capt. Matthews' report, courting investigation by the Freedmen's Bureau, or elsewhere.

The examination of witnesses was conducted by Senators Howard, of Michigan, Williams of Oregon, and Boutwell of Massachusetts—extreme radicals. The minority took little part in it—made no attempt whatever at cross examination, to sift out the false and prejudicial allegations with which the greater part of the testimony teemed.

The people of the South as a rule were wholly unprepared for the storm brewing in this committee room for them. Their error was in over calculating on the President's protection, and in misunderstanding the sway that radicalism could establish over congress and the Northern masses. After vainly seeking additional guarantees for the institution of slavery which they deemed essential after the government had passed into the hands of a sectional party, one founded upon the paramount issue of abolition, the Southern states had exercised their right of secession. Having been warred upon and conquered under the theory that the union was indissoluble and the states indestructible, they had looked for no other conditions than prescribed under the President's proclamations re-establishing their state governments, which was fatuously regarded as final. While the loss of slave property with its ruinous effect upon land values and the labor system spread poverty over the land, there was full and honest acceptance of the situation as it stood when congress assembled in December, 1865. Mr. Lincoln had so held, and after him Mr. Johnson held, that the southern states after failure in the war were forced back into the position and relations in the Union from which they had unsuccessfully tried to part. And that with their submission and upon the acceptance of the emancipation of the slaves and such other terms and penalties as were prescribed in the executive proclamations, they were entitled to restoration to the Union with their rights under the Constitution unimpaired. Both asserted the power of the executive to organize provisional state governments. This power was denied by Thad Stevens as "preposterous." "It should now be solemnly decided," he said in his opening speech, "what power can revise, recreate and reinstate these provinces into the family of states. It is time that congress should assert its sovereignty." This was the immediate purpose of Radicalism—to call a halt on the executive creation of provisional governments and substitute the jurisdiction of congress over the reconstruction procedure.

This was made plain when congress assembled—that the President's terms and actions were to be set aside, and that of congress, with other and harsher, enacted. With some Republicans went with them haltingly, they were soon solidly arrayed against the president's plan of reconstruction. Under the inspiration of South hate, of making treason odious, all were rallied behind Stephens and Sumner for the exaction of additional conditions—conditions to harass and humiliate. There was the further calculation in the plan to be adopted of making the party hold on the government sure for the future. For argument against the president and the constitution, the doctrine of "dead states," of "states that had committed suicide" was invented. Under that revolutionary theory congress could deal with the question of southern restoration with a free hand. "Conquered territory" was conceded no appertaining rights as states. It, nevertheless, proved difficult to work out an acceptable scheme of legislation. The house passed a resolution for reduction of southern representation as early as January 31st. But after a month of debate it failed of a two thirds vote in the senate. The question being referred back to the committee it was reported again April 30th. Argument in opposition to the president's policy under which provisional governments had been organized in the south, was carried to great length and extreme harshness in the committee report.

Throughout, it is void of one note of commiseration, far less of palliation or generous emotion, for the prostrate and sorely afflicted Southern states. No promulgation of "Anathema Maranatha," ever breathed a more unforgiving, harsh and vengeful spirit. This applies particularly to the summary of the report, which emitted no gleam of compassionate hope. The acts of secession are stigmatized as wanton and wicked aggression. The "great mass of the Southern people" are denounced as "insurgents, rebels and traitors—reduced to the condition of enemies conquered in war and entitled only to such rights, privileges and conditions as might be vouchsafed by the conqueror." Having "forfeited all civil and political rights and privileges under the constitution, they can only resume their Federal relations * * * upon giving adequate guarantees against future treason and rebellion." The following inflammatory clauses of the report are quoted:

> Sixth. The question before Congress is, then, whether conquered enemies have the right, and shall be permitted at their own pleasure and on their own terms, to participate in making laws for their conquerors, whether conquered rebels may change their theater of operations from the battle-field, where they were defeated and overthrown, to the halls of Congress, and, through their representatives, seize upon the government which they fought to destroy; whether the national treasury, the army of the nation, its navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, the widows and orphans of those who perished in the war, the public honor, peace and safety, shall all be turned over to the keeping of its recent enemies without delay, and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand.
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> Seventh. The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. The surrender by Grant to Lee, and by Sherman to Johnston, would have been disasters of less magnitude, for new armies could have been raised, new battles fought, and the government saved. The anti-coercive policy, which, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety.
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> Ninth. The necessity of providing adequate safeguards for the future, before restoring the insurrectionary States to a participation in the direction of public affairs, is apparent from the bitter hostility to the government and people of the United States yet existing throughout the conquered territory, as proved incontestably by the testimony of many witnesses and by undisputed facts.

In conclusion "the so-called Confederate states" were declared not entitled to representation in congress. To win such privilege they must give "adequate security for future peace and safety through changes of the organic law determining the civil rights and privileges of all citizens and place representation on an equitable basis, fix a stigma upon treason, etc.; together with an express grant of power in congress to enforce these provisions."

The committee minority report ably urged the right of the Southern states to full restoration, to the enjoyment of all their political privileges, immunities and franchises in the Union, their citizens having respectively, for more than a year, given complete obedience to the authority of the Union. It shows conclusively that policy and justice and obligations alike prescribed that the general government should, without further delay, accord to the Southern States their full constitutional rights, such as all other States possess. It shows, also, that no danger can possibly result to the Union from the admission into Congress of the Southern members, by exhibiting the fact that, under the present apportionment, the non-seceding States would have a heavy majority in both houses of Congress.

May 11th the house passed the committee resolution, the proposed 14th amendment to the constitution. But, most significantly, an accompanying bill which made it a finality—which declared that upon its "ratification the senators and representatives of any state lately in rebellion, that shall have modified its constitution and laws in conformity therewith, may be admitted into congress"—was rejected. The resolution passed the senate in an amended form June 8th by a vote of 33 to 11. The resolution went back to the house and after extreme opposition from Mr. Stevens to the senate amendment, it passed the house by a vote of 120 to 32, henceforth to be known as the 14th amendment to the constitution. It is quoted:

Joint resolution proposing an amendment to the Constitution of the United States:

"Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

United States and of the State wherein they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

"Sec. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed; but whenever the right to vote at any election for electors of President and Vice President, and for United States representatives in congress, executive and judicial officers, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of each male citizen shall bear to the whole number of male citizens twenty-one years of age in such state."

"Sec. 3. No person shall be a senator or representative in congress or elector of President and Vice President, or hold any office, civil or military, under the United States or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or civil officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof, but congress may, by a vote of two-thirds of each house, remove such disability."

"Sec. 4. The validity of the public debt of the United States, authorized by law, incurred in the payment of bounties and pensions for services in suppressing the insurrection or rebellion, shall not be questioned; but neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims, shall be held illegal and void."

The aversion of Mr. Stevens to agreeing to the resolution as amended by the senate, was the change it made in the third section. As reported from the committee and passed by the house, the said section provided that "until the 4th day of July, 1870, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for representatives in congress, and for electors for President and Vice-President of the United States." Speaking against the change of the section, Mr. Stevens said:

> "Mr. Speaker, I rise to conclude the debate, but I will not move the previous question until I finish what I have to say. I am glad, sir, to see great unanimity among the Union friends in this house on all the provisions of this joint resolution except the third one. I am not very much gratified to see any division among our friends on that which I consider the vital proposition of them all. Without that it amounts to nothing. I do not care the snap of my finger whether it be passed or not if that be stricken out. Before another congress shall have assembled here, and before this can be carried into full effect, there will be no friends of the Union left on this side of the house to carry it out. I should be sorry to find that the provision was stricken out, because before any portion of this can be put into operation that side of the house will be filled with yelling secessionists and hissing copperheads. Give us the third section or give us nothing. Do not balk us with the pretence of an amendment which throws the Union into the hands of the enemy before it became consolidated. Gentleman say I speak of party. Whenever party is necessary to sustain the Union I say rally to your party and save the Union. I do not hesitate to say at once, that section is there to save or destroy the Union party, is there to save or destroy the Union by the salvation or destruction of the Union party.
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> The gentleman from Ohio (Mr. Bingham) who has just taken his seat, thinks it difficult to carry it into execution, and he proposes to put it into a bill which the President can veto. Will my friend tell me how much easier it is to execute it as a law than as a provision of the constitution? I say if this amendment prevails you must legislate to carry out many parts of it. You must legislate for the purpose of ascertaining the basis of representation. You must legislate for registry, such as they have in Maryland. It will not execute itself, but as soon as it becomes a law, congress, at the next session, will legislate to carry it out, both in reference to the presidential and all other elections, as we have the right to do. So that subject falls to the ground.
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> Gentlemen tell us it is too strong—too strong for what? Too strong for their stomachs, but not for the people. Some say it is too lenient. It is too lenient for my hard heart. Not only in 1870, but to 18070 every rebel who shed the blood of loyal men should be prevented from exercising any power in this government. That, even, would be too mild a punishment for them."

There was no material difference between Stevens and Bingham. The latter and the leaders generally preferred methods for toning down the face of the amendment. Having to go before the country on the reconstruction issue, it was politic to make it acceptable to the party moderates. Nothing was given up by the pretense of moderation—the wide field of usurpatory legislation comprised in the fifth section of the amendment could be securely trusted for a hundred fold more of oppression to the South than the clause for which Stephens contended. While many thousands voted the Republican ticket under the belief that the 14th amendment was submitted as a finality for restoration of the South to the Union, Bingham and the rest of the leaders knew that it was not. Here they held a card up their sleeves. It is of interest to note that while negro suffrage was not written in the amendment for the reasons above stated, an amendment was offered by Senator John B. Henderson, of Missouri, prohibiting any race suffrage discrimination. Being voted down, he said, "It would not be five years before this body will vote for it." The position and prediction from a Senator of a former slave holding state was made much of by the radicals. The prophecy was verified with some years to spare, but even before its fulfillment the prophet had parted with his radical companions, who scourged him from their fellowship and his senatorship.

While the 13th amendment had been submitted to President Lincoln's approval after adoption by congress, a different rule was followed with the 14th amendment. It was held to be complete without the signature of the executive who was simply requested by the resolution "to transmit forthwith to the executives of the states copies of the article of the amendment." The president, nevertheless, without contending over the procedure took occasion to signify his opposition to the article. In a message to congress, he questioned the validity of ratification when the article had not received the requisite two-thirds vote, counting the constitutionally excluded Southern Senators and Representatives. The President's reasoning was given no heed by congress. Yet while denying these

Representatives and Senators a voice in adopting the amendment, the Southern states were required to ratify it as a condition precedent to readmission.

Three states, including Tennessee, ratified the amendment before congress adjourned. Upon the joint resolution, Tennessee was "restored to her former practical relations to the Union and was again entitled to be represented by Senators and Representatives in Congress." Whereupon eight representatives and two senators appeared and were sworn in. In approving the resolution admitting Tennessee, the President criticised the absurdity of the action in the case of Tennessee; that "a state may be too disloyal to be entitled to representation and nevertheless have an equally potent voice with the states in amending the constitution upon which so essentially depends the stability, prosperity and very existence of the Union." The same inconsistency, however, had been practiced in the ratification of the 13th amendment by Southern states, which the President had urged upon them.

Congress adjourned July 28th, the Northern states being at once plunged into a heated campaign upon the issues that had marked the session—a test of the popular feeling upon the rival reconstruction plans of the President and congress. In anticipation and preparation for the momentous combat a call was made before adjournment by the President's supporters, under the name of the National Club, for a national union convention at Philadelphia, August 14th; the call for delegates declaring:

> "There is no right anywhere to dissolve the Union or to separate states from the Union, either by voluntary withdrawal, by force of arms, or by congressional action; neither by secession of states, nor by the exclusion of their loyal and qualified representatives, nor by the national government in any other form.
>
> Slavery is abandoned, and neither can nor ought to be re-established in any state or territory within our jurisdiction.
>
> Each state has the undoubted right to prescribe the qualifications of its own electors; and no external power rightfully can or ought to dictate, control or influence the free and voluntary action of the states in the exercise of that right.
>
> The maintenance inviolate of the rights of the states, and especially the right of each state, to order and control its own domes-

tic concerns according to its own judgment exclusively, subject only to the constitution of the United States, is essential to that balance of power on which the perfection and endurance of our political fabric depends, and the overthrow of that system by usurpation and centralization of power in congress, would be a revolution, dangerous to a republican government and destructive of liberty. Each house of congress is made by the constitution the sole judge of its election returns and qualifications of its members; but the exclusion of loyal senators and representatives, properly chosen and qualified under the constitution and laws, is unjust and revolutionary."

This call was met by one for a convention in the same city, Sept. 3rd, called for the loyalists of the South—inviting delegates from all the Northern states, to explain to them the exact situation in the South. That call was adopted as a rallying cry for the radical side of the issue. "Rebels and rebel sympathizers assert the rights of the citizen must be left to the States alone, and under such regulations as the respective States choose voluntarily to prescribe. Our reliance for protection is now in congress and the great Union party that has stood and is standing by the nationality, by the constitutional rights of the citizen, and by the beneficent principles of a free government. To the loyal Unionists of the South; the great issue is upon us, the majority in Congress and its supporters frankly declare that the rights of the citizens enumerated in the Constitution and established by the supreme law must be maintained, inviolate.

Shall loyalty or disloyalty have the keeping of the destinies of the nation? Let the responses to this call, which is now in circulation for signatures, and is being numerously signed, answer."

But before referring further to that, in effects, most far reaching of all the national campaigns—one that foreshadowed and laid the trains for unnumbered evils—it is deemed essential to further expose a flagrant, deeply designed perversion of history, grafted upon the adoption of the 14th amendment. Northern writers with lax scruples of veracity have sought to establish as a fact that, had the Southern states accepted that article they would have been readmitted to the union without other conditions. The purpose of this contention which was absolutely and demonstrably false, is to fix upon the Southern states the responsibility for the sins of the north—to establish in history that had the states lately in "rebellion" accepted the 14th amendment there would have followed no reconstruction act, no 15th amendment; that they would have escaped the years of the scandalous and shameful carpet bag era which subsequent legislation set up. The chief of the false witnesses for this perversion of history is James G. Blaine. Writing twenty years after, when the seed of which he had been one of the sowers, had borne its evil and bitter fruit, he strove to avert the eternal judgment of impartial history by making a scapegoat of the south.

But in the pages embracing it is contradiction of the charge—that had the South ratified the 14th amendment there would have been exacted no further reconstruction terms. Page 242 of "Twenty Years in Congress" is quoted from: "There was an unmistakable manifestation throughout the whole canvass of 1866, by the more advanced section of the Republican party, in favor of demanding impartial suffrage as the basis of reconstruction." That this "more advanced section" had the whiphand of the canvass from start to finish was plain to all. And yet, on page 247, Mr. Blaine says: "The confederate states that stood knocking on the door of congress for readmission, knew the political canvassing in the North had proceeded on the basis and practical assurance that whenever any other Confederate state should follow the example of Tennessee it should be treated as Tennessee was treated. The madness of this course, (the rejection of the amendment) was scarcely less than the madness of secession, and it is difficult to discern any motive that could justify the position they had taken." The maze of contradictions on this point is followed further: On page 256, Blaine, the historian, quotes Blaine, the congressman: "It happened, Mr. Speaker, possibly by mere accident, that I was the first member of this house, who spoke in committee of the whole on the President's message, at the opening of this session. I then said that I believed the true interpretation of the election of 1866 was that, in addition to the proposed constitutional amendment, impartial suffrage should be the basis of reconstruction. Why not declare so?" On page 412: "The Republican victory of 1866 led to the incorporation of impartial suffrage in the reconstruction laws." On one page Mr. Blaine says the election of 1866 carried the assurance that the adoption of the 14th amendment was the key to the door of admission to the Union, on another that this same election—held before the Southern legislatures had rejected the amendment—was a mandate for negro suffrage. As a circumstance of proof of the first of his opposite contentions, Mr. Blaine cites the "important declaration of the New York Republican convention"—"that when any of the late insurgent states shall adopt the 14th amendment, such state shall at once, by its loyal representatives, be permitted to resume its place in congress." He says "this view was generally concurred in by the Northern states. And if the Southern states had accepted the broad invitation there given there is little doubt that before the close of the year they might have been restored to the enjoyment of every power and privilege under the national constitution. There would have been opposition to it, but the weight of public influence and the majority of both branches of congress, would have been sure to secure this result." Mr. Blaine makes this assertion in the face of this fact: That the reconstruction committee submitted with the 14th amendment a bill containing the identical "important declaration" adopted by the New York Republican convention. In the rapid progress of Congress from bad to worse, that bill was rejected. The rejection is mentioned by Mr. Blaine but without explanation or reconcilement of its contradiction of "the result" he says he was sure of. Repeatedly in debate such a declaration, that the 14th amendment be tendered as a finality, was urged and rejected. Leader Stevens expressly declared in the debates that he would impose other and harder conditions. He was endorsed by the radical press. In commenting on the "broad invitation" of the New York Republican convention, the New York *Post,* said, "It would not be committed to admission of the Southern states on adoption of of the amendment and we believe too that the *Tribune* will support Mr. Stevens." The New York *Independent,* the leading radical organ, thus declared itself: "Republicans may agree to pretend that the constitutional amendment is a just and final settlement, but they deceive themselves. So far as any local convention and general committees of the Republican party have undertaken to pledge that party to the constitutional amendment, as a touchstone of readmission, they have promised what they will prove impotent to fulfill. The Republic is the cedar of Lebanon, on whose boughs not one of these dead promises will hang next December. An unfettered congress will then meet fresh from its long vacation and expected to do its duties. Its leading members cherish the secret wish to make impartial suffrage the golden gate of readmission." How dishonest of Mr. Blaine, to ignore comments on the "important declaration of the New York convention," which with the current of events took away all of the significance he attaches to it. These comments were but echoes from the speeches of the leaders, breathing a bitter and relentless hate before which the Johnson policy withered and went down even as that of Lincoln would have done, had he been in the executive seat. Against the parade of the horrors of the war, of Southern prisons, the assassination of Lincoln, and the gross exaggerations of negro outrages, no human power could have prevailed. They quelled conservative opposition and fired and filled Northern hearts with passion and hate. Mr. Shellabarger, of Ohio, sounded the key note in this hate inspiring and venomous indictment against the Southern people:

> "They expelled from their land or assassinated every inhabitant of known loyalty. They framed iniquity and universal murder into law. Their pirates burned your unarmed commerce upon every sea. They carved the bones of your unburied heroes into ornaments and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons. They planned one universal bonfire from Lake Ontario to the Missouri. They murdered by systems of starvation and exposure, sixty thousand of your sons, and then to give to the in-

fernal drama a fitting close and concentrate into one crime all that is criminal in crime, they murdered the President of the United States."

This diabolic appeal to Northern hate, Mr. Blaine called "a caustic summary worthy to be quoted."

Even more conclusive proof that the adoption of the 14th amendment had never been submitted or intended as a full and final preliminary to readmission, is to be read in certain remarks of General Grant. In February, 1867, the Arkansas Legislature sent a delegation to Washington to confer with members of the administration and congressional leaders as to what course the state should take when the reconstruction plan then pending should be submitted to the Southern states. Returning home members of the delegation, in an interview with Mr. George D. Prentice, who entertained them, and which was reported in the Louisville *Journal,* related a conversation at the dinner table of Secretary of State Seward, who had arranged a meeting for them with General Grant. "At the beginning of the session of congress," Gen. Grant said, "I had urged on the prominent members of congress if they intended to make the adoption of the amendment on the part of the Southern states, the condition precedent to readmission, they ought to pass a resolution to that effect, solemnly pledging congress to receive the senators and representatives into that body. If they did not take some such step, they could not expect the Southern people to take a step that might be preliminary to others that would lead them they knew not where." On the question of negro suffrage, the General was more decided, stating it was a question that should be left wholly and entirely with the several states, and emphatically declared that "if the question came up in Illinois he would certainly vote against it. But if he were in a Southern state, he would vote for it, for he was satisfied he could march the negroes to the polls and vote them as he pleased and would thus be gaining instead of losing political power." Gen. Grant at this time was considered a doubtful quantity, though he was still more with the administration than the radicals. In other words, he still thought and spoke as the plain, honest soldier, not having yielded to the temptations of the Presidency which soon captivated and captured him.

The fact that Tennessee was restored to the Union, her senators and representatives admitted to seats in Congress, upon her ratification of the 14th amendment, is used by both Rhodes and Blaine as a clincher of their claim that nothing more would have been exacted of the other Southern states. Rhodes says: "The action of Congress in regard to Tennessee evidenced the terms upon which members of the late confederacy might be admitted to the rights and privileges of the Union." Mr. Blaine thus states the case: "Tennessee had regained all her rights as a member of the Union, coming in through the gateway of the 13th and 14th amendments. It was evident from that moment that no one of the Confederate States would ever again be admitted except by giving their assent to the incorporation of the 14th amendment in the Constitution." This is not an honest presentation of the case. Mr. Blaine is more cunning than Mr. Rhodes. He implies but he does not say that "by giving their assent to the incorporation of the 14th amendment to the Constitution," the southern states would have been admitted to the rights and privileges of the Union. There is too much evidence of history to the contrary. The resolution admitting Tennessee recited that her admission was due to the ratification of the 13th and 14th amendments, that she has done other acts proclaiming and denoting her loyalty." What were these other acts? A constitutional restriction of the franchise to those who were "publicly known to have entertained unconditional Union sentiment from the outbreak of the Rebellion" was one. In spite of such proscription, a small minority of conservatives, of men who favored the extension of suffrage after the war was ended, were elected to the legislature. By abuse and intolerance they had been compelled to withdraw to private life. This was another "evidence of loyalty" which won the favor of Congress. Another was the governorship of the notorious and rabid south hater, William G. Brownlow. A solid delegation of Republicans had been chosen to Congress. In the light of these circumstances, it is mockery to say that the "other members of the Confederacy could have been admitted to the rights and privileges of the Union, had they, like Tennessee, ratified the 14th amendment." A circumstance of the admission of the Tennessee delegation to Congress affords further proof that the 14th amendment was not meant as a finality; that behind it lurked negro suffrage. The Tennessee delegation, with the assemblage of congress, December, 1866, was required to send a communication to the Tennessee Legislature "earnestly praying that the 16th section of the franchise act, which restricted suffrage to whites, be repealed, thus giving full effect to the principle upon which is based our restored state government by obliterating from the statute books the last vestige of legislation which imposes disabilities, when there has been no blame, and which neither time nor merit can mar." Repeatedly the reconstruction committee report emphasized the fact these historians ignore—that Tennessee presented a different and a preferential case to that of the other Southern states.

In the face of all the array of record evidence, Blaine and Rhodes would convict the Southern people of folly and contumacy in not forsaking the President's policy for that of the radicals—that by trusting to the wolves of radicalism they would have escaped negro suffrage. The falsity of their logic is proved by the "death bed" confession of Senator John Sherman, one of the President's 1866 assailants: "After this long lapse of time I am convinced that Mr. Johnson's scheme of re-organization was wise and judicious. It was unfortunate that it had not the sanction of congress."

These northern historians are careful not to say what Tennessee gained by readmission that made her condition better than that of the other members of the southern confederacy. Her state administration thereafter in historic record, furnishes one of the blackest chapters in all reconstruction history. Through his militia, and sustained by the Federal troops, Brownlow perpetrated more enormities of oppression than any of the others, unless possibly paralleled by the deeds of carpet bag governments in Arkansas and the Carolinas. The Nashville *Union* of May 31st, 1867, a year after Tennessee had been blessed by restoration to the Union, publishes a report of a committee of citizens to inquire into the conduct of the militia "which had been driving citizens from their homes, entering homes under the pretense of searching for arms, insulting women, alarming children, and theatening to kill." The following which tells of a threat, consummated, is quoted from a list of outrages cited: "Yesterday morning about daylight, militiamen went to the house of a peaceable citizen, James Brown, took him into the woods and deaf to the appeals of his wife and father, put him to death in a cruel and heartless manner. Other citizens were shot at and the lives of many threatened for the part they took in the war now over two years. Out of the outrages by Brownlow's militia grew the Klu Klux Klan. The most abhorrent feature of Tennessee tyranny, was that these crimes were committed under the shelter of the United States flag and troops. Otherwise Brownlow would have been driven out of the state and his militia annihilated. An instance is cited of the use of the federal force for tyrannizing over the people. A municipal election was pending in Nashville, in Sept., 1867, which Brownlow had determined to control. He issued the following order to General Joseph A. Cooper, commanding state guard: 'Sir, you will bring to Nashville immediately, all the troops, infantry and cavalry, you can command to enable you to protect the judges and clerks, and to enforce the franchise law. If need be, call on Gen. George H. Thomas, commander of the department of the Cumberland, for additional force." Realizing that the citizens of Nashville would not be held down by the state militia, General Thomas was appealed to and on Sept. 26th, he issued the following order of eternal infamy: "All of the companies of the Second infantry, also two companies from Memphis, the two at Paducah and Humboldt, the one at Union City, and the company of the 5th cavalry, will proceed to Nashville to uphold the authority of Gov. Brownlow." This order was referred to and sustained by General Grant. The city was consequently occupied by the

United States troops. In a proclamation, the Mayor of Nashville protesting against "this most unjust, illegal, and high-handed course, submitted to force" and he withdrew from the contest for reelection, and Brownlow's ticket was chosen without opposition.

In his history of the United States, Rhodes thus alludes to Blaine: "But here, as elsewhere, in his interesting but inaccurate history, he furnishes no authority for his statement." It may be said with truth that many of "his statements" are made in the face of "authority." And in dealing with this crucial period of history, Rhodes lays himself open to the same impeachment. Blaine never uttered words less authorized by the facts than the following quoted from page 610, volume 5, Rhodes' history of the United States: "If Johnson had sympathized with the 14th amendment, the ratification by the southern states would certainly have ensued." This effort to make a scapegoat out of the President as responsible for the rejection by the southern states is an utter perversion of the truth. Mr. Johnson's objection to the 14th amendment was based upon its violation of his theory for the readmission of the southern states. He questioned the validity of the 14th amendment resolution for the reason as stated in his message, that it "had not been submitted to the president for approval and that 11 of the 36 states were excluded from representation although they had been entirely restored to all of their functions as states in conformity with the laws of the land * * * nor had the sovereign people of the Nation been afforded an opportunity of expressing their views upon the important questions which the amendment involved." While the South shared in the President's opinion, the amendment would not have been rejected on that ground alone. It was certain of the terms that the southern states balked on. On the other hand, the terms were not only not touched upon by the president, the South's opposition on that ground did not appeal to his sympathies. The repudiation of the amendment by the Southern people was instinctive, instantaneous and practically unanimous. They did not wait for the President's message to declare that they would not ratify the amendment. Neither the executive influence with all its powers of reward or punishment, could have added to this determination, nor weaken the opposition if used in favor of the amendment.

On page 248 of his "Twenty Years in Congress," Mr. Blaine asserts that, "scornful rejection of the 14th amendment was because it conferred citizenship on negroes; that it was a demand that without the vote they should be counted in representation; a refusal to give any guaranty of the public debt; or to guaranty the sacredness of pensions to disabled soldiers; or to pledge non-payment of debts incurred in aid of the rebellion." Each of these assignments of motive for rejection of the 14th amendment is false; there was no thought or talk of resisting the conference of citizenship on the negro, the natural and inevitable sequence of emancipation; no demand and small expectation that without the vote they should be counted in representation; no thought or word of refusal of guarantee of the public debt, or of pensions; or of the payment of the Confederate debt. These flagitious fictions were invented to mislead and prejudice. Mr. Blaine has sinned against light. There was no ambiguity or secrecy of reasons for rejection of the 14th amendment. All of the records and chronicles tell the story, and none sustain any one of Mr. Blaine's alleged causes of rejection.

Fleming's "Civil War and Reconstruction of Alabama," page 394, is quoted: "There was no longer any belief that further yielding would do any good. The more the people gave the more they were asked. Condition after condition had been imposed and had been absolved; slavery had been abolished; secession acknowledged a failure; the war debt repudiated; the legislature had ratified the 13th amendment, had secured the negroes in all their rights of personal property * * * moreover they were opposed to the amendment because it branded their best men as traitors." * * * The Mobile *Register* said "it is one thing to be oppressed, weighed down by overwhelming force, it is quite another to submit to voluntary abasement. The amendment should be rejected because it would disfranchise the very best of the whites, the beloved leaders of the people." Governor Patton advised the legislature "not to ratify the amendment. It involved a creation of penalty after the act. On this ground it was an ex post facto law, contrary to the whole spirit of modern civilization. Such a mode of dealing with citizens charged with offenses against the government belonged only to tyrants. It might accomplish revengeful purposes but that was not the proper way of administering justice."

Governor Orr, of South Carolina, argued against adoption at length and without touching upon the ground, Mr. Blaine alleges. He concluded his message as follows: "If the amendment is adopted, we not only have no guaranty that our representatives will be admitted to Congress, there are unmistakable indications that they would still be excluded. If the amendment is to be adopted, let it be by the irresponsible power of numbers, and let us preserve our own self respect and respect of our posterity by refusing to be the mean instruments of our own shame." Page 34, John S. Rennolds, Reconstruction of South Carolina.

Both of these Governors, Orr and Patton, were "union" men, opponents of secession and conservatives. In Mississippi the grounds of rejection were summed up in a letter to Governor Humphreys—who submitted it to the legislature—from Judge Sharkey, who was in Washington as one of the state's unadmitted senators. It is dated September 14th, 1866, and is quoted from as follows: "In the first place the amendment was unconstitutionally submitted, less than two-thirds of the full congress recording their votes upon it. The situation was different with the 13th amendment. Then there were no members from the South. Again, the fourteenth amendment had not been submitted to the President." Gov. Sharkey next argued that taking the first and last sections together, the power of conferring suffrage on the negroes under this amendment was deducible. Under the provisions of the second section for reduction of representatives in proportion to the denial of the elective franchise to male citizens of voting age, Mississippi would probably be excluded from any representation at all as her negro males of twenty-one equaled her white voters of that age. This was a leverage to force the state to negro suffrage. The third section was pronounced "a sweeping disfranchisement of perhaps a majority of our citizens for holding Federal or state offices. So contrary to our form of government was this provision, so oppressive to a very large population of the state, that it cannot be supposed that those who proposed it could have entertained a thought that it would be accepted." The fifth and last section Gov. Sharkey pronounced, "The Trojan horse, abounding in mischief." This was the same weapon that had led the same legislature a year before to reject the thirteenth amendment—the conference of power on congress "to enforce by appropriate legislation the provisions of this article." This clause, Gov. Sharkey asserted, "may be construed to authorize congress to do whatever it desires to do. Under this same provision attached to the emancipation amendment, you have the civil rights bill and the freedman's bureau bill. It was construed in the senate just as I admonished many members of the legislature, it would be, to authorize this odious measure. We should profit by the experience it has furnished us."

Ex-Gov. Sharkey was the most eminent jurist in Mississippi. He had presided over her highest court for many years. He was an uncompromising opponent of secession and as such had been chosen by President Johnson provisional Governor—to lead in the restoration of the state to the Union. Having discharged the duties of that position he became the most inveterate opponent in the state of a policy of reconstruction that involved the violation of the Federal constitution, the rights of the state, and the self-respect of the people. For further light on the truth of the question why the 14th amendment was rejected, the following editorial extracts are quoted from the Vicksburg *Herald* and the Richmond *Whig:*

> "But the third section is the proscriptive clause, which excludes from office nearly every officer in the state, from the highest to the lowest. Its adoption would degrade our governor, state officers, the high court judges, nearly every circuit court judge, every ex-

perienced legislator—in fact, ostracise every faithful and experienced public servant who in times past loaned his services and talents to the state. Its ratification by any Southern state would be a gross act of perfidy, as well as most ruinous to every interest of the state.

This amendment must come to Mississippi. In a few words, we can tell its authors, the legislature will reject it unanimously. Mississippi cannot adopt it. Better military rule, and loss of representation, than the endorsement of conditions so humiliating. We will preserve our honor to the last.

——"Better be
Where the extinguished Spartans still are free,
In their proud charnel of Thermopylæ,"

than to voluntarily become the instruments of our own degradation.

From the Richmond *Whig*.

The Course of the South—The Constitutional Amendment.

The constitutional amendment, which after passing the senate, has now passed the house of representatives by a strictly party vote of 120 to 32—all those voting for it being Republicans, and all voting against it being Democrats—gives the Republicans what they wanted, what they indeed were obliged to have; an electioneering device to carry them decently through the approaching elections at the North. A pretence will avail them as satisfactorily as a real honest plan of adjustment and restoration, and this is nothing but a pretence. Its most pregnant section is its last and briefest—"The congress shall have power to enforce, by appropriate legislation, the provisions of this article." The legislation contemplated by this section has already been shaped, and is in the form of a bill, reported from the committee of fifteen, which, by a compromise between the radicals and moderate Republicans, is to lie over until after the elections. This bill prescribes the conditions of admission. In no section, line or word, does this proposed amendment to the constitution provide for admission; on the contrary, in every section, line and word, it provides for exclusion. If ratified by every state legislature in the South it would not ensure the admission of one to the Union. It, therefore, promises the Southern people—nothing.

If this amendment shall be submitted to all the Southern states, and they shall ratify it, they will *gain nothing*. In fact, their condition will be worse than it is now. Their ratification will make this amendment a part of the constitution, *and by their own act and assent* they will be excluded from all participation in the government until they comply with its provisions, *and with such legislation as congress shall adopt to give it effect.* Who can tell what this legislation will be?

This device is a fraud and a cheat upon both North and South. It is a makeshift by which the dominant party hopes to secure success in the fall elections. It hushes for the present all controversy between the two wings of the party, and presents it as a unit against the Democrats, while postponing the bill by which it is to be followed; a present issue with the President is avoided—for the constitutional amendment is, in radical contemplation, not subject to his veto, and the bill which is so subject will be held back until after the elections. Perhaps radical ingenuity may even devise some mode by which the bill may hereafter be passed by the concurrent action of the two houses without the intervention of the President.

If by the ratification of this amendment the Southern states could gain admission into the Union, it would be a dear bargain, and a degrading one. Our hope is that not a single Southern state would be willing to purchase admission on such terms, but rather remain as they are, unrepresented in congress, and half in and half out of the Union. But, as we have said, their ratification of this amendment will not ensure them a return to the Union, but will leave them to the mercy of congress, and subject them to such conditions as enabling bills may impose.

For being swayed by such sentiments in rejection of the 14th amendment, northern censors and historians assert that the Southern states are responsible for the ensuing legislation, the 15th amendment, the reconstruction laws and negro suffrage, that placed them under carpet bag government. Their contention is fixed upon the false assumption that the acceptance of the 14th amendment would have opened the door of readmission to the Union without the imposition of other conditions. Forced to admit that Sumner and Stevens would not have accepted such a finality, Rhodes, on pages 609 and 610, Vol. 5, says to minimize his admission:

"Stevens indeed no sooner secured one set of conditions than he began to contrive for others, and Sumner never pretended that he would consider as final any plan of reconstruction that did not establish impartial suffrage, but their following at this date was not large."

The attempt to minimize the following of Stevens is preposterous. Rhodes himself says on page 544, that Stevens at the opening of the session "apparently dominated the whole proceeding * * * the Republican majority of considerably more than two-thirds stood firmly at his back." This domination over the house, Stevens maintained unshaken and unquestioned throughout the session, nor did he advance step by step—"no sooner securing one set of conditions than he began to contrive for others."

The amendment was rejected in the South in the winter of 1866 and 1867 and here is what an honest chronicler, Congressman S. S. Cox, said of Stevens:

> "He was more than Mr. Sumner or Judge Howe, the constructionist of the new order and the obstructionist to the rebuilding of the old order. In the house of representatives, early in the session of the 38th congress, on December 5, 1865, he arose to dictatorship. He commanded a universal party obedience. That congress had great parliamentary ability. It had its Wilsons, its Binghams, its Shellabargers, its Blaines, it had but one Thaddeus Stevens. This man was not superficial. He was profound. He knew that the times call either for retrogression or else organic and risky forwardness. He would not ask to carry out the constitution. * * * He cared little for motives that actuated the defenders of the Union who suppressed secession. On the 18th of December he unfolded his audacious, sweeping and vindictive policies. History demands its reproduction, for it presents the whole architectural design of radical reconstruction. Piece by piece that design was wrought into the reconstruction plan. It never deviated, it was neither hindered or promoted by any sentiment of favor or resistance in the South. 'Since the conquest,' said Mr. Stevens, 'they have been governed by martial law. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial government. There they can learn the principle of freedom and eat the fruits of foul rebellion.' "

In demonstrating the falsity of the claim that the 14th amendment was offered as a finality of admission, that its ratification would have effected the restoration of the Southern states as coequals in the union, it is not pretended that they would have so accepted it had this claim been valid. Asking their compliance with the 3rd section struck deeper than logic or calculation. It was a blow at the feelings of the people—compliance would have left a lasting scar of dishonor and degradation. They held the price of the sacrifice of their leaders to be too high to be reached either by appeals to their fears or interests. Henry J. Raymond, editor of the New York *Times* and member of congress, where he was recognized as leader of the President's small Republican following, thus proposed that the leaders should sacrifice themselves:

> "Such an appeal does not proceed on any chivalrous hypothesis." It does not imply the possession of superhuman virtues by the Rebel leaders. It simply presupposes their possession of common generosity, common justice, and we may add, common sense. For, while we hold that, as a matter of duty, the promoters of and chief actors in the Rebellion owe to the Southern people the sacrifice we have suggested, we believe that, as a matter of prudence, they would find it to their advantage. Nothing would so quickly or so surely mitigate the feeling of the north toward them, and help to improve their own position, as this display of disinterestedness, coupled, as it no doubt would be, with the ratification of the Amendment by the South and the restoration of cordial and constitutional relations between the sections. It is in their power by one graceful act to atone for the injuries inflicted upon their neighbors, and to prove that in seeking restoration they are not intent upon their own glory and aggrandizement. If the Southern leaders will voluntarily assume the disabilities imposed by Congress, and so remove the great obstacle to the acceptance of the Amendment by the South, the gloom which overhangs its future may be removed before the close of the coming session.

Mr. Blaine's perversion of facts and special pleadings has proved a text book of false reading of reconstruction history. His book has been invaluable to Northern apologists of the period. Involving as it does the question of the responsibility of the North for the ineffaceable shame of reconstruction, attempts to muddy the waters—to convict the South of a guilty folly—is not surprising. Blaine has been glibly quoted and his conclusions unhesitatingly accepted by the Southern carpers against the patriotic men who were summoned to contend against the malevolent measures of radicalism. Because they did not attempt to grow figs from these thistles, trim the sails of the ship of state by expediency both base and vain, they have been written down by these censors, wise in the light of the afterglow of events, as lacking practical statesmanship; their vision has been proclaimed as obscured and their judgment deflected under a lull of a sense of security, which they had not the wit to perceive was fictitious and dangerous. The leaders of 1866–67 have been condemned by Job's comforters, which came after, as utterly if not wilfully oblivious of the real question and practical situation. They failed of lofty statesmanship, say the wise-acres of the might-have-been, when they did not place the South in line with Northern sentiment, and bow down in recognition of the spirit of liberality of the Republican leaders. These historical conceits are mere plasterings of the annals of time. They will soon decay and drop off, leaving the true entablatures legible and eternal. These will tell that the events of an era of breakup, of the passing of the old and the entering of the new order, ensued in natural and inexorable evolution. The moving causes dated far back and lay deep below the shallow contentions over policies and constitutional constructions. They are untouched by the egotistic quibbles of expediency, the hind sight visions of casuists and carpers. The actual outcome was clearly forecast by the statesmen of an earlier day. It was not hypothesis but wisdom and cold logic, that inspired John C. Calhoun to say of the anti-slavery agitators, who rose to power as the aftermath of war: "Emancipation will not satisfy them. That gained, the next step will be to raise the negro to social and political equality." Mr. Webster foretold the same evil outcrop of events: "If these fanatics and abolitionists ever get the power in their own hands," he said two years before his death, "they will override the constitution and set the supreme court at defiance." These warnings were verified over and over again by "these fanatics" grasping the power which passed to them finally and fully in the election of 1866.

The president had not been supported heartily by all of his cabinet in his southern policy. He made no changes when he succeeded Mr. Lincoln in his official advisers; for which some of his friends criticized him. They claimed he should place at the heads of the departments men of personal devotion and in full sympathy with his policy. As a disagreement between him and the radical leaders deepened and grew more clearly defined the strain upon the cabinet harmonies became greater. Though there was no open disturbance, the first to go was Postmaster General Dennison on July 11th. His resignation was closely followed by those of Attorney General Speed, and Secretary of the Interior Harlan. While his heart was in the camp of the president's enemies, and he knew that he was distrusted, Secretary of War Stanton—most unfortunately for the administration and the country—hung on. He was believed to have a thorough understanding with the radical leaders, who agreed with him that to resign would be to surrender vantage ground for helping them and hampering the president.

The counties generally had responded to the call for representation at the Philadelphia convention of supporters of the president—for organization of opposition to the policy of radicalism as foreshadowed by Congress. Delegates were chosen to a state convention in Jackson, July 25th. This convention followed the footsteps of that of the year before, in choosing delegates of Union or anti-secessionists as follows:

From the State at large—Hon. W. Yerger, Hon. George L. Potter, Col. Giles M. Hillyer, Judge W. L. Sharkey.

First Congressional District—Dr. Henry Dockery, Col. T. E. B. Pegues.

Second—Hon. Jas. S. Bailey, Dr. G. A. Sykes.

Third—Hon. Abraham Murdock, Capt. John A. Binford.

Fourth—Gen. Nat. H. Harris, Col. A. G. Mayers.

Fifth—Hon. H. F. Simrall, Col. Geo. V. Moody.

The following was adopted:

Resolved, That the convention, approving the restoration policy of President Johnson, as opposed to the radical policy of congress, and having been invited by a large number of distinguished fellow-citizens of the Northern states of the Union, to meet with representatives from all the states of the Union in a national convention, to be held at Philadelphia on the 14th of August next, this convention accepts that invitation, and will proceed to the election of four senatorial delegates and of two delegates from each congressional district, to represent the state of Mississippi in said proposed Philadelphia convention.

The first fruits of the radical policy ripened in New Orleans July 30th in a bloody riot. As a distinct forecast of what was to follow, a brief of the outbreak is given. A handfull of the delegates of the Lincoln convention of 1864, twenty-nine out of 150, were made the instruments of an attempted overthrow of the state government; with the design of setting up one based on negro suffrage. Judge Durel of the United States district court, who had been the president of that convention, refused to issue the call for its assemblage, holding that it was defunct. He was thereupon formally deposed by the rump assemblage and R. K. Howell elected president. After directing the governor to issue writs of election the "convention" adjourned to July 30th. As this proceeding was looked upon as vain and harmless though of vicious intent it was not taken seriously by the authorities or the public. But it was given a very different color when the governor of the state, J. Madison Wells, a name destined to be linked with the iniquities of reconstruction, issued the said writs, regardless of the refusal of the secretary of state to attach his official seal to them.

Reading in the assemblage of the convention a storm signal sure to rain blood unless checked, the mayor of the city and the Lieutenant Governor of the state, called on General Baird, commander of the post, and asked if the proper legal proceedings for the prevention would be permitted. The answer was that no interference with a peaceable meeting would be tolerated. Thus encouraged and emboldened, meetings were held by convention leaders shortly before the convention was to meet, large crowds of negroes attending. Inflammatory addresses were made to enlist their support for those who proposed to make them voters. In the presence of a threatening situation, Mayor Monroe issued a proclamation on the convention morning enjoining on all the avoidance of collision and disturbance of the peace. But with the streets filled with marching bodies of negroes, upon a lawless and revolutionary purpose, their leaders exhorting them to kill any one who interfered with them, violence and bloodshed was unavoidable. Radical politicians in the North gave out the false story that the police body was sent to the place of its meeting to disperse the convention. They were, in fact, under directions to repress rioting. But the atmosphere was so charged with the electricity of political fanaticism and race hate, that—between negroes crazed by crack-brained and irresponsible leaders, and whites wrought up to fury by the menace of a wicked attempt at subversion of their government—the firing broke out naturally. When it began there was a wild rush of negroes and their white leaders for cover. Such as could got into the state house, whose doors were locked with five or six hundred whites and blacks including delegates of the convention, on the inside. From this fortress the police were fired upon as they advanced with deadly effect. The firing was returned by the police and some white citizens for more than an hour, before entrance was effected. When the building was emptied a number of members of the convention and others were arrested. The military did not appear on the scene until afterwards when martial law was announced and the prisoners arrested were released.

Forty or fifty men were killed and three times as many injured. As afterwards reported by a partisan congressional committee, thirty-seven negroes and three whites were killed and a hundred and nineteen blacks and 17 whites wounded of the convention side; one killed and ten wounded of the assailants. But as reported at the time in an investigation by the Lieutenant Governor, Attorney General, and Mayor of New Orleans "forty-two policemen and several citizens, were either killed or wounded by the fire from the state house."

The outbreak was seized upon by the radicals and invested with the grossest exaggerations. It was used most effectively in the northern campaigns for a general and a damning indictment of the southern people. In his report of the affair to General Grant, General Sheridan said: "It was no riot. It was an absolute massacre by the police, which was not excelled in murderous cruelty by that of Fort Pillow. It was a murder perpetuated without the shadow of necessity." In a broad view the lack of necessity and the cruelty may be admitted. It was none the less a natural development of the situation. With the governor backing a wicked attempt to overthrow the state government, the mayor, the other heads of the state administration and the sheriff placed in leading strings, by the military governor, while confining the troops to barracks, the police were left to cope with a turbulent mob and their incendiary leaders on their own initiative. While thus denouncing the police, General Sheridan did not fail to severely censure the mob leaders and their design. Nor did he spare Governor Wells.

His report is quoted from:

To U. S. GRANT:

General—You are doubtless aware of the serious riot which occurred in this city on the 30th. A political body, styling itself the convention of 1864, met on the 30th for, as it is alleged, the purpose of remodeling the present constitution of the state. The leaders were political agitators and revolutionary men, and the action of the convention was liable to produce breaches of the public peace. I had made up my mind to arrest the head men if the proceedings of the convention were calculated to disturb the tranquillity of the department. But I had no cause for action until they committed the overt act. In the meantime official duty called me to Texas, and the mayor of the city, during my absence, suppressed the convention by the use of the police force, and in so doing attacked the members of the convention and a party of two hundred negroes with fire-arms, clubs and knives in a manner so unnecessary and atrocious as to compel me to say that it was murderous. About forty whites and blacks were thus killed and about 160 wounded. Everything is now quiet. But I deem it best to maintain a military supremacy in the city for a few days, until the affair is fully investigated. I believe the sentiment of the general community is great regret at this unnecessary cruelty, and that the police could have made any arrest they saw fit without sacrificing lives. The leading men of the convention—King, Cutler, Hahn and others, have been political agitators, and are bad men. I regret to say that the course of Governor Wells has been one of vacillation, and that during the late trouble he has shown very little of the man.

(Signed) P. H. SHERIDAN,
Maj. Gen. Com'g.

In a report to the president Gen. Sheridan said:

I will remove the military governor in a day or two. I again strongly advise that the same disposition be made to change the present mayor, as I believe it would do more to restore confidence than anything that could be done.

If the present governor could be changed also it would not be amiss.

With a foreboding realization of the consequences, if such men as General Sheridan names were permitted to set up a dual state government, looking to congress for recognition and support, supine tolerance was not to be expected from the citizens of Louisiana. As much as the massacre was to be deplored, the alternative of nipping this convention with its inclination of evil in the bud at whatever cost, was justified.

The Philadelphia convention, designed for organizing all of the opponents of radicalism—Whigs, peace Democrats, war Democrats and conservative Republicans, in the election of a majority of congressmen in the pending election, was quite largely attended. It was richly supplied with leadership, Northern and Southern, of a high order of talent and patriotism. Its deliberations were led by Republicans of national prominence. Resolutions of indorsement of the President were adopted and an eloquent appeal was issued to the nation. In opening the convention ex-Gov. Dix of New York, the temporary presiding officer, declared that in ratifying the amendment, abolishing slavery and repudiating the war debts, the conditions of readmission of the South had been fully met. And that the exaction of new conditions was unjust, a violation of the faith of the government and dangerous to the public prosperity and peace. Senator Doolittle of Wisconsin, the permanent president of the convention, asserted that the South would be unworthy of trust in the exercise of the rights withheld by congress, if they were willing to submit to the humiliation of the terms proposed for regaining them. After a great deal of speechmaking such as a coming together of men of the North and of the South, for the first time after the long and bloody sectional war prompted, a platform was adopted. It declared that the war just closed has maintained the authority of the constitution, and has preserved the Union, the equal rights, the dignity, and the authority of all the states, that perfect and unimpaired representation in congress, and in the electoral college, is a right abiding in, and a duty imposed upon every state, and that neither congress or the general government have any authority or power to deny the right to any state; that congress has no power over the elective franchise; but that right belongs exclusively to each state; and that no state has the right to withdraw from the Union. That on all constitutional amendments, all states have an equal right to vote. That slavery is abolished forever. The national debt is sacred and inviolable, and the Confederate debt is invalid; and it recognizes the services of federal soldiers as an obligation of the nation to them and their widows and orphans. And it endorses President Johnson for his steadfast devotion to the constitution, laws, and interest of the country.

An address concluding as follows was issued:

> "We call upon you in every congressional district of every state to secure the election of members, who, whatever other differences may characterize their political actions, will unite in representing the right of every state of the Union to representation in congress, and who will admit to seats in either branch, every loyal representative from any state in alliance with the government. These may be found in each house in the exercise of the powers conferred upon it by the constitution. When this shall have been done the government will have been restored to its integrity, and the constitution will have been established in its full supremacy, and our Union will have again become what it was designed to be by those who framed it; a sovereign nation composed of separate states, each like the government, having a distinct and independent sphere, exercising powers defined and secured by a common constitution, and resting upon the assent, confidence and co-operation of all the people subject to its authority. Thus reorganized and restored to their constitutional relations, the states and general government can again with a common purpose and a common interest enter upon the enjoyment of the return of personal rights and popular liberty which our republican institutions demand."

The address of the convention recited that "10,000,000 Americans who live in the South, would be unworthy of citizenship of a free country, degenerate sons of an heroic ancestry, unfit ever to become guardians to the rights and liberties bequeathed to us by the founders of the republic, if they could accept with uncomplaining submission, the conditions sought to be imposed upon them."

A committee headed by Senator Reverdy Johnson, of Maryland, was appointed to proceed to Washington and present the convention proceedings to the President. This ceremony attracted a large crowd. Gen. Grant sat beside the president while Senator Johnson was speaking and his attendance was interpreted as a token of sympathy in the movement. The president responded feelingly and at length, closing with the expression of "the hope and trust that his future action would cause no regret for the indorsement given him by a convention emanating spontaneously from the heart of the masses of the people." The convention resolutions and address, and the president's response to the committee, constituted such an appeal to the country that, if in its sober senses, would have carried resistless force. But a storm of political intolerance and sectional antipathy had burst over the North, sweeping all opposition out of its path. The declaration of principles and rights which no man of today questions as sound and constitutional, only served as fuel for further inflaming sentiment against the president and the southern people. It is furthermore to be admitted that the closely following appeals by President Johnson for popular support of his policy, in a series of speeches at the chief cities between the ocean and the river, was used with deadly effect against him. After New York and Philadelphia greetings, President Johnson was made painfully aware that a feeling of intolerant opposition had been built up in his path. At Cleveland he was literally hooted from the stage. The following is the Associated Press account of the shameful incident:

> General Meredith introduced the President, who was received with a few groans, huzzas for Johnson, cries for General Grant, and some rude remarks. He said:
>
> FELLOW-CITIZENS: [Cries for Grant.] It is not my intention [Cries of "stop," "go on," etc.] to make a long speech. If you give me your attention for five minutes, [cries of "go on," "stop," "no, no, we want nothing to do with traitors! Grant! Grant!" "Johnson," and groans.] I would like to say to this crowd here tonight, [cries of "shut up! we don't want to hear you," "Johnson," "Grant," "Johnson," "Grant," "Grant!"].
>
> The President paused a moment, and retired from the balcony.

At Cincinnati, besides being hooted and jeered by the crowd, the City Council placed the indignity upon the President of refusing to extend to him and his party, which included Gen. Grant, Admiral Farragut, Secretary Seward and other cabinet members, the city hospitality. This discourtesy was resented by Gen. Grant as told in the following press account:

> Cincinnati, Sept. 13.—General Grant visited Wood's Theater last night, and was enthusiastically received. Being informed that a crowd, among whom were many soldiers, was parading before the theater, and wished to see him, he replied: "I cannot and will not see them. Tell the commander of the soldiers to come and see me." Baker, the commander, and others, marched into the private box. Grant approached them and said: "Sir, I am no politician; the President is my commander-in-chief; I consider this demonstration in opposition to the President of the United States, Andrew Johnson. You will take your men away. I am greatly annoyed at this demonstration.

The following is from the Associated Press account of the humiliating event:

> Several disturbances occurred, with lamentable results. Pistol shots were fired, by which one man was wounded in the eye, and another in the knee.
>
> According to the best information attainable, a marshal was seen riding along the line of torch-lights and evidently giving directions, as the men soon thereafter stretched out their ranks. Persons were seen with clubs knocking down several of the transparencies, one of which bore the inscription, "Johnson, welcome to the President." The holder of this transparency was thrown down and a shot fired at him. A friend came to his assistance, and fired at his assailant. At least a dozen or more shots were fired in quick succession.
>
> The result is that one was shot and severely wounded.

At Indianapolis a like scene was enacted—the President being howled down at the beginning of his speech, and driven to his rooms amid the execrations of the multitude. To a delegation that called to honor him, Gen. Grant said: "Gentlemen, I am ashamed of you. Go home and be ashamed of yourselves." Other distinguished members of the party joined in rebuking these hoodlum exhibitions. Such light on the realities of the subject matter is ignored by partisan history writers. They have been so false to principle as to seek to obscure the shame of a disgraceful episode by writing into their histories questionable stories of the President's intoxication; that were emphatically and circumstantially denied.

Blaine and Rhodes represent him as having provoked the jeers and insults of crowds, which in fact included many who had evidently gathered to deny him the right of a respectful hearing. Unbecoming and undignified retorts which he was goaded into making are set down without giving their provocation, which would have tried the self control of a more patient man than Andrew Johnson, whose pride was that he always returned blow for blow. The worst of it all was the reception he met cast the shadow of defeat over the dial of future events.

The convention of the radicals or loyalists as it was more commonly designated, was held in Philadelphia. It was opened Sept. 2nd, and continued throughout the week. It is lauded in Blaine's history as "A representative body of true Union men." But its character and quality is better revealed in the record of its proceedings which are quoted from below. It was opened with prayer by a Philadelphia clergyman which is quoted: "O grant that we may do right at this time though the Heavens fall. Deliver us from the rule of bad men, especially from him, who, through satanic agency has been raised to authority over us, and who abusing that authority is not only endangering the life of our Republic, but our personal liberty. Great God, interpose, and in making bare thine arm for vengeance, save us from his infamous and ruinous policy and from bad counsels of bad men that surround him. And we beseech thee to discover to the American people the base hypocrisy of that body that seeks to sustain him."

Senator Wilson of Massachusetts, played upon the passions of the country as follows: "Now according to the acts of Andrew Johnson these things were all true and what ought they to do with him?" (A voice, "Hang him with Jeff Davis.") "What are you going to do with him?" (A voice)—"Hang him."

Senator Chandler of Michigan spoke as follows: "The obstacle that is now in the way, the people will remove in a very short time. What is Andrew Johnson's policy? Andrew Johnson has no more right to a policy than my horse has. William H. Seward is today a traitor at heart to the United States government. Andrew Johnson once said that treason was a crime and that treason should be made odious and traitors should be punished. If Andrew Johnson does not stop he will ascertain that treason is a crime and that traitors shall be punished, and treason made odious."

General B. F. Butler contended that "by their rebellion, the southern people had forfeited their property, their rights and their lives, if rebels were hanged, which unfortunately, he said, they were not. If this state of things cannot be altered, we will march once more and woe to him who opposes us. If I am asked how long I will keep these men out of the Union, I say keep them out until the Heavens melt with fervent heat, and if it should not come in this generation we will swear our sons to keep them out."

Governor Brownlow of Tennessee said: "I want to have something to say about the direction of your forces the next time. They will as they ought to do make the entire Southern confederacy as God found the earth, 'without form and void.' They will not and ought not leave a rebel fence rail, outhouse or dwelling in the eleven seceding states. And as for the rebel population, let them be exterminated. I would divide your army into three grand divisions. Let the first go armed and equipped as the laws of the army require. Let it be the largest division and do the killing. Let the second division be armed with pine torches and spirits of turpentine, and let them do the burning. Let the third and last division be armed with surveyor's compasses and chains, and we will survey the land and settle it with men who have honored this glorious banner." This demoniac speech—from the man of whom Rhodes says in his history: "Parson Brownlow, now governor of Tennessee, is a fair representative of the better Southern element concerned in the movement,"—was received with "great applause."

The convention resisted the demand of Southern delegates for a negro suffrage declaration. This was not only on account of the solid opposition of the border state delegations, but because it had been decided by the leaders in congress; that while voters would be gained in the pending election of congressmen, by holding back the negro suffrage issue, nothing would be risked by trusting it to congress. Led by Brownlow of Tennessee, Warmoth of Louisiana, and Hamilton of Texas, those who favored action by the convention were forced to be content with a declaration by Southern delegates in its favor.

The convention adopted an address which according to historian Blaine "was in style and tone beyond praise; it was received with great applause by the convention, was adopted in unanimity and created a profound influence upon the public opinion of the north. It was a deliberate, well considered and clearly stated opinion of thoughtful and responsible men, was never disproved, was practically unanswered, and its serious accusations were in effect admitted by the South."

This grossly mendacious summary of a bitter and false indictment of the South was worthy of the man who was recognized as the most gifted and audacious party leader of his day; and who left behind him a record the most deeply streaked with falsehood and graft. One of the premises or arguments of the address Blaine so lauded, by which the "tone and style" of the whole may be justly judged, is quoted:

> "After declaring that none but the loyal should govern the reconstructed South, he has practiced upon the maxim that none but traitors shall rule. He has removed the proved and trusted patriot from office and selected the unqualified and cursed traitor."
>
> "While he refused to prosecute one single conspicuous traitor, though great numbers have earned the death penalty, more than one thousand heroic Union soldiers have been murdered in cold blood since the surrender of Lee, and in no case have their assassins been brought to justice. He has pardoned some of the worst rebel criminals, North and South, including some who have taken human life under circumstances of unparalleled atrocity."

Rhodes says in explanation of this frightful charge, "these (murdered soldiers) were for the most part negroes." He and every other man who had informed himself on this period of history, knew they were, for by far "the most part," lies. Their sole basis of truth were the Memphis and New Orleans riots. Blaine states that "before the adjournment of congress more than a thousand negroes and many white unionists had been murdered in the South without even the slightest attempt at prosecuting the murderers. Though the aggregate of victims was so great, they were scattered over so vast a territory that it was difficult to impress the Northern mind with the real magnitude of the slaughter. But this incredulity vanished in a moment when the nation was startled two days after the adjournment of congress by a massacre at New Orleans which had not the pretense of justification or even provocation." This thousand murder libel is crossed by the contents of the army and the freedmen's bureau reports covering the months after Lee's surrender, which contained nothing whatever in substantiation of the malicious and mischievous fiction which Blaine and Rhodes have written in history. The vigor and zeal with which the perpetrators of lesser crimes than murder were hunted down by the military, compels the rejection of the implication that they overlooked the arrest and punishment of murderers. Practically the whole session of congress was devoted to partisan and prejudicial assault upon the South. But no member, not even Stevens nor Sumner, Boutwell nor Blaine, echoed or authorized the charge of a reign of murder. Proving more conclusive and convincing of the falsity of allegations of a murder epidemic, is to be read in the report of the reconstruction committee. That document is threaded throughout by the deliberate, unconcealed and malign purpose, of blasting and blackening the standing and good name of the Southern people. To that end the committee gathered witnesses from the highways and by ways, without regard for their reputations, for truth and veracity or honest living, for working out a conviction of the South. This volume of testimony includes the reports of General Thomas, Sheridan and others, commanding Southern departments and posts. The two generals named, exercised neither sympathy nor favor for the people over whom they ruled. They were ever ready to enforce harsh and arbitrary measures against "disloyal" offenders. There was no section so remote in the states included in their departments—Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas—that they would not have ordered troops into, for the apprehension of murderers of Union soldiers or negroes; and of any civil officers who made "not the slightest attempt at their prosecution." Yet neither the reports of Generals Sheridan and Thomas, or of their testimony before the reconstruction committee, referred to or hint at such condition of violence and bloodshed as Blaine and Rhodes accept and adopt in their histories.

The records cited convict the two, and especially Blaine, of the blackest of all crimes against the spirit of history—wilful and malicious falsification.

Mr. Blaine suggests the key to this fiction. It grew out of the New Orleans "massacre"—its sole basis and grain of truth. The effect of the exaggerated and distorted accounts of that tragedy, which "startled the nation," presented a field of political opportunity which was thenceforth worked in every campaign for the next quarter of a century.

A radical correspondent of the Boston *Commonwealth* went into ecstacies over the uses of the New Orleans riot:

> "The barbarism in New Orleans is a *'timely affair.'* This is the sentiment of all I meet, who are not copperheadish. The colored people think the same. When the news reached us one gentleman said *it was worth ten thousand votes to the party of progress."*

Thereafter, with the conference of the suffrage upon the negroes—the Pandora box and incubator of curses and crimes unnumbered—which forced the white people of the South to resort to methods the most evil and demoralizing for defense of their homes and of their civilization, there were riots and frays which were by no means bloodless. But in 1866 the South was unvexed by race politics, and there was substantial peace throughout the land.

This was the first campaign which was run by the Southern outrage mill. It was the most cruel and abominable wrong done the South. That in the midst of unnumbered afflictions, while at the lowest ebb of her fortunes, the South was for political ends and in sheer diabolical hate, pilloried abroad as reeking with murder and violence beyond all semblance of truth. The inflow of capital and immigration so sorely needed was thus checked, not to be recovered for near a score of years. All efforts, and there were many, at correction or refutation of the tale of blood—which was contradicted indeed by the concurrent official bureau and army reports, were vain.

The following sample is taken from the Vicksburg *Herald:*

The Bradford *Reporter,* published at Towanda, Pennsylvania, has the following:

"A private letter to General Howard, dated Vicksburg, Miss., August 3, says: Freedmen murders are nothing now. At least thirty have been killed during the past six weeks in this county. Within the past 24 hours one Union Southerner and two Northern men have complained to me that they have come to town because they dare not remain longer on their places, near Edward's Depot."

Why don't these fellows give their names? Respectable Northerners ought not to be liable to the suspicion of writing such stuff, and we would like to be able to give the names of such scamps as the author of the above.

The following letter published in the St. Louis *Republican,* is one of a thousand corrections to the like purport:

VICKSBURG, Sept. 2, 1866.

Editor St. Louis *Republican:*—I have noticed in the papers lately a couple of paragraphs purporting to be news from Vicksburg, and said to originate in the New York *Tribune,* one stating that a planter had whipped three negro women to death, and shot the husband of one of them; and the other that there had been thirty negroes killed lately within a period of six weeks, and that Northern men were not safe. Will you permit an ex-officer of the Union army, a resident of Vicksburg, to occupy a small portion of your columns, to bear witness to the falsehood of these statements? They are made out of whole cloth, without any foundation whatever. If there has been one negro killed by an employer in this neighborhood during the last few months, I have not heard of it, though I have made considerable inquiries concerning it since we got this news from the North. The last statement is as false as the rest. There is a large number of Northern men, gen-

> erally ex-officers, raising cotton here, and all in perfect confidence and safety; and I have not even heard of a threat against a Union man. I have a slight interest in a plantation myself, and know the truth of this from association with Northern planters. And this is remarkable, when it is considered that some of these ex-officers were once provost marshals, &c., in this same locality, and, as every one knows, were sometimes overbearing and not always strictly honest.
>
> If all the reports of outrages in the South, which we read in radical papers, have no better foundation than these, the radical party has very little bona fide capital to work upon and must become bankrupt shortly."

But the trade was one in which no bona fide capital was called for. President Johnson, to satisfy himself of conditions in the South, delegated Gen. Gordon Granger, U. S. A., to go through this section and report to him. That report, dated August 24th, 1866, is quoted from:

> That in all the states I visted I found no sign or symptom of organized disloyalty to the general government. I found the people taking our currency, and glad to get it; anxious for Northern capital and Northern labor to develop resources of their wasted country, and well disposed towards every Northern man who came among them with that object in view.
>
> In some localities I heard rumors of secret organizations pointing to a renewal of the rebellion. On investigating these secret societies I could discover in them nothing more than charitable institutions, having for their principal object the relief of the widows and orphans of Confederate soldiers who had fallen in the war.
>
> During the whole of my travels I found it to be as safe and as convenient to mingle with the people of the South, freely discussing any and every topic that came up, as in any other section of the United States. I was often among them unknown, and the tenor of their acts and conversation was then the same as when my name and official position were thoroughly understood.
>
> That cases of authentic outrage have occurred in the South is patent to every one familiar with the current news of the day. But these cases are few and far between, and it is both ungenerous and unjust to charge the responsibility for such acts of lawlessness upon the whole Southern people. For some malicious purposes accounts of these isolated disorders have been collected and grouped together and sown broadcast over the North so as to

give the public mind an utterly erroneous impression as to the condition of Southern society.

In prosecuting this inquiry I hardly deemed it fair to ask more than what had been the actions of the people of the South towards the general government. With their private opinions, their sympathies and their prejudices I had nothing to do. Yet for a more thorough understanding of the question, I made it part of my mission to investigate even these.

But whilst the Southern people are thus loyal, and have fulfilled all the requirements asked of them by the federal government, it is impossible to disguise the fact, and the better class of citizens do not attempt to disguise it, that there is among them a deep feeling and a strong apprehension as to the cause of their long-continued exclusion from congress. They believe that is part of a set plan for perpetuating the existence of the political party now in the ascendant, and that the question of suffrage, re-adjustment of representation and taxation are but excuses for still longer delay, thus regardless of the great interests, not only of the suffering South, but of the whole country, burdened with debts and laboring under severe embarrassment.

Had a policy of wise and statesmanlike conciliation been followed out immediately after the close of the war, it is more than probable that the condition and disposition of the people would now be far better than they are. But on the subjugation of the South, the national authority in the late rebellious states was divided and broken up into opposing factions, whose actions greatly hindered the re-establishment of civil law and good order, so much needed among a people demoralized by the most demoralizing of all agencies—civil war. The country was flooded with treasury agents who, with their accomplices and imitators, fleeced the people right and left, returning into the United States treasury for all the enormous amount of property they seized and confiscated barely enough to pay the cost of confiscation. Agents of the Freedmen's Bureau stepped between the planter and the laborer, stirring up strife, perpetuating antagonism, and often adding their quota of extortion and oppression. On every hand the people saw themselves robbed and wronged by agents and self-appointed agents professing to act under the sanction of the United States government. Need it be wondered at that among a community thus dealt with, powerless to resist and too weak and prostrated for successful complaint, some bitterness and ill-feeling should arise? None but a brave and well-meaning people could have endured unresistingly all that the South has undergone.

The testimony of this report and others of officers of the army though ignored and contradicted by Northern historians, is confirmed by all the chronicles and records of the period. October 31st, Gen. Thomas J. Wood, as state freedman's bureau commissioner, made a lengthy report to Gen. O. O. Howard, chief bureau commissioner, covering the previous year, which is quoted from as follows:

General:—In compliance with your directions of October 2nd, I have the honor to submit an exhibit of the business of the bureau in Mississippi for the year ending this date, in the form of the manner by you requested.

The state is divided into eight districts, and to each district a number of counties proportioned to the facilities for reaching the more interior posts assigned. In charge of each of these districts are two or more officers, according to the number of counties and general condition of the district. The property on Davis or Palmyra bend is also under charge of an officer. Each of the senior officers in charge of these districts is denominated sub-commissioner, and each is required to make a written report of his business monthly.

The duties performed by officers are (the office hours being established) to keep themselves well informed on the following points, viz.:

1st—Number of freedmen under charge.

2nd—Condition and manner in which they are being treated and being paid.

3rd—Kind of contracts and whether the freedmen understand the force of their obligations.

4th—Whether any sick, old, or infirm are suffering want of clothing, food or medical attention, and to have them in such cases transferred to the regular bureau hospitals for care and treatment.

5th—How many schools are in session and how many have opened; what their condition is; and what can be done for their improvement.

6th—Disposition of the white people to the black.

7th—The manner in which the state laws, affecting the freedmen, are administered.

Officers are required to use every means to make known to all their districts the nature of their duties, and to this end are directed to put themselves in communication with prominent citizens of either color, and with the state and other officials resident within their districts. They must obtain the confidence of both the white and colored citizens, that the white citizens may know that the bureau officer is to labor faithfully to instill into the colored man's mind the necessity of obeying the laws, and to seek to improve himself by education and by faithful and honest labor; that the interests of all classes are coincident; that the colored citizen has a friend and counsellor in the bureau officer, anxious to secure all to him which will add to his comfort and happiness, and to secure to him through the courts all his rights of person and property as a citizen.

* * * * * *

The difficulties in the way of performance of the duties of the officers of the bureau are much increased by the existence of certain state statutes which affect the freed people alone and which are unjust and oppressive. (See the statutes prohibiting the freed people to carry arms, to have or purchase land in the country, and the statute requiring them to contract for the year before the 10th day of January of each year, or obtain license to do job work.) It is true that these statutes are nullified by the civil rights bill, but as long as the prejudices of the white people are protected and encouraged by formal statutes of state legislation, it will be impossible to obtain a thorough enforcement of the civil rights bill, intended for the especial protection of the freed people. The efforts to overcome these difficulties have been strong and increasing and an improvement is manifest. The higher authorities of the state, executive and judical, are doing what even one year since was thought impossible by the most sanguine, witness the decision of the several judicial officers herewith enclosed; and this animus is finding its way down to the lower courts slowly to be sure, but with that power by which great principles are moved.

* * * * * *

The observance of these (labor) contracts has in some cases been evaded by the dishonest contractor upon the miserable subterfuge that the employe has failed to comply with the terms of his agreement, and the most frivolous mistakes of the freedmen have been alleged as such failures, but the majority of the employes have strictly abided by their contracts. The freed people have generally endeavored to perform their labor in a manner which would justify the assertion that they have been faithful to their labor promises. The observance of these contracts by all parties has been much the same as would have been in any community under like circumstances. * * * It is suggested that they be advised, not required, to continue the contract system by entering into written contracts in duplicate; the freed people will then have at all times in their possession the evidence of their claims against their employers and which can be used to enforce their rights in the courts of the state.

As it has been applied, the results of the free labor system are favorable. Although there has been a failure of crops, no blame as attached to the freedmen. The unfavorable season and the worm have worked the ruin. The rains of the early season retarded growth until the grass had choked the young plants and what was cleared was burned by the too long summer drouth. The worm appearing in the month of September completed the desolation and now the small yield will hardly purchase food sufficient to last until December 31st. The desire to raise cotton triumphed over all consideration of caution—the cultivation of cereals was neglected and the little cultivated was nearly all destroyed by the extreme heat of summer. All the bread stuff grown in Mississippi will not more than subsist the people until January 1st, prox. All general reports show the freedmen as industrious as could possibly have been expected.

The novelty and strangeness of their relations have not worn off even yet, but the idea that freedom means release from labor has quite disappeared."

It is needless to say that had there been in fact any such epidemic in the South of assassinations and outrages which the radical leaders imposed on the Northern voting majorities, the condition reported by General Wood would have been impossible. One further exhibit in contradiction of the witnesses who have testified falsely of Southern conditions of the times—of a state of lawlessness, disloyalty and oppression of the negro such as to call for the reconstruction laws so soon to be passed—is cited. The following is from Gen. Grant's report of Dec. 1, 1866, to congress:

"Passing from civil war of the magnitude of that in which the United States has been engaged to government, through the courts, it has been deemed necessary to keep a military force in all the lately rebellious states, to insure the execution of law, and to protect life and property against the acts of those, who, as yet, will acknowledge no law but force. This class has proven to be much smaller than could have been expected after such a conflict. It has, however, been sufficiently formidable to justify the course which has been pursued. On the whole, the condition of the states that were in rebellion against the government may be regarded as good enough to warrant the hope that but a short time will intervene before the bulk of troops now occupying them can be sent to our growing territories, where they are so much needed."

The condition which warranted Gen. Grant's hope was blasted utterly, by congress itself. And not until the Northern majorities reacted against the radical policy and its monstrous harvest of wrong and crime, more than ten years after its report, were the troops, occupying the Southern states, withdrawn.

To return to the narrative of the campaign in the North. A convention of Union soldiers and sailors favorable to the President, was called at Cleveland, Ohio, September 17th, by near a hundred generals. It was quite largely attended. Resolutions were adopted declaring that "the object of the soldiers in taking up arms was to suppress the late rebellion, defend and maintain the supremacy of the constitution and to preserve the Union in all its dignity and the rights of the several states unimpaired, and not for any purpose of conquest." The most memorable incident of the convention was a letter from the Rev. Henry Ward Beecher, the most eloquent pulpit orator of his day, and recognized as one of the most powerful abolition leaders. He strongly arraigned the refusal of congress to admit the congressmen of the South. Inspired by prophetic and patriotic foresight, he said that "for its salutary effect the restoration of the states to their natural relationship, would have been worth more than to have marched over them with a dozen armies. The federal government is unfit to exercise minor police and local government, and will inevitably blunder when it attempts to keep a half score of states under federal authority but without national ties or responsibilities. To oblige the central government to govern half the territory of the Union by civil federal officers and others by the army, is a policy not only uncongenial to our ideas and principles, but pre-eminently dangerous to the spirit of our government. However humane the end sought and the motive, it is in fact a course of instruction preparing our government to be despotic, and familiarizing the people with a stretch of authority which can never be otherwise than dangerous to liberty * * * If Southern society is calmed, settled and occupied, and soothed with new hopes and prosperous industries, riot will subside, no armies will be needed. And a way will gradually be opened up to the freedmen to full citizenship with all its privileges and duties. No one can escape that forty years in the wilderness who travel from the Egypt of ignorance to the Promised Land of intelligence. Negroes must take their chances. If they have the stamina to survive the task which every uncivilized people have had to undergo, they will in due time find their place among us. That will come through sobriety, virtue, industry and frugality." Such counsel from one who had raised high the torch that lit the flames of war and emancipation, would have exerted a profound influence had men's minds not been carried far from the anchorage of reason. It was now a vain crying in the wilderness, and Beecher found himself marooned like Wm. H. Seward and other one-time abolition leaders. Mr. Seward had, on a previous occasion, thus uttered the view now voiced by Mr. Beecher: "The North has nothing to do with the negroes. They are not of our race. They will find their place. They must take their level. The law of political economy will determine their position, and the relations of the two races. Congress cannot contravene those laws." Emancipation effected and the Union restored, he held that the ends of the war had been fulfilled and the South entitled to resume her normal relations in the Union.

The last and largest of the conventions preceding the elections in this most memorable and fateful year was held at Pittsburgh, Sept. 25th, and called for "the citizens, soldiers and sailors." It was designed as a reply and rebuke to the Cleveland gathering of the week before. In numbers and aggressiveness it far exceeded the gathering that had gone before. Inflamed as sentiment had been the President's appeal for approval of his course and justice for the South was worse than cast away. It fell on deaf, unsympathetic and even hostile ears. It is enough to say of the character and temper of the meeting that one of its leaders and the chairman of the committee on resolutions, was General B. F. Butler, commonly known as the "beast," the most despicable figure of his time. General Butler had emerged from the war under the brand of brutality and cowardice, and with a large fortune of plunder, amassed through the authority and the opportunities of his command. He was detested and despised by Grant, Sherman and every other officer prominent in the conduct of the war. He had been removed from active service in disgrace. But the day of his restoration to popular favor had come. No other title to political preferment was required than the talent and the will for inciting the Northern people against the President and the South. In that field Butler was pre-eminent. The convention resolution charged that the President's reconstruction plan had "converted confirmed rebels into impudent claimants of rights which they have desecrated—if consummated it would render the nation's sacrifice useless, the loss of buried comrades vain, and the glorious triumph of the war a failure." As described by Blaine, "the convention was in a tempest of anger"—anger that was fanned to consuming heat by the speeches of the occasion. In the proceedings and resolutions of the twenty-five thousand Union soldiers composing this convention, there is no corroboration of the pleasing traditions of friendly and sympathetic feeling in those who wore the blue, for conquered foes. While the Associated Press story called Beast Butler "the lion of the convention," the following letter from Gen. Grant got but scant courtesy:

HEADQUARTERS ARMIES OF THE U. S.
Washington, Sept. 18, 1866.

L. Edwin Dudley, Esq., Chairman Executive Committee Soldiers' and Sailors' Union:

Sir:—General Grant desires me to acknowledge the receipt of your invitation to be present at a national convention of soldiers and sailors, to be held at Pittsburgh, Pa., September 25, 1866, for political purposes. He instructs me to say that it is contrary to his habit and to his conviction of duty, to attend political meetings of any character whatever, and that he sees with regret the action of any officer of the army taking a conspicuous part in the political dissensions of the day.

I am, sir, very respectfully, your obedient servant,

ADAM BADEAU,
Col. and A. D. C.

Few words are required for noting the results of the election which was recorded in a decisive Republican victory—the President was condemned, congress sustained and the South doomed. This caused little surprise. The forecast of the signs and symptoms, spreading gloomy forebodings over the South, was too plain to be misread. The day before the October elections held by New York, Pennsylvania, Ohio and other large states, the Vicksburg *Herald* said:

> The elections in several of the great Northern states take place today, and the certainty of the triumph of the most extreme radical views is almost as positive as an established fact. We may hope for the best, but the triumph of the President's policy, in the present condition of the Northern mind, would be scarcely less than a miracle. It is painful to record these facts, but they must sooner or later become apparent.

The radical use of this victory was outlined in no uncertain terms through the press. The Chicago *Tribune,* one of the most partisan of the radical organs, said: "In the first place congress should assert its whole right to adjust this question by setting aside the illegal governments put in operation by the President. In the second place, it should make those odious by asserting the full power of the government over the life, the property and the franchises of the traitors, and over the very territory of the insurrectionary states, which have forfeited their rights under the constitution." This declaration of what congress should do was accompanied by a plan of procedure—"constitutional conventions" should be called by act of congress in the "insurrectionary states," to proclaim negro suffrage and assert the rights of the negroes to vote by force if necessary.

Prior to the 1866 election, it had been a question if Thad Stevens and the extremists of a year before would prevail. That issue had been settled. Before the election came off many of the leaders had "agreed to pretend" as the New York *Independent* counseled, that the 14th amendment was a finality. With the announcement of the result of the election, the pretence disappeared.

Though the poor show of the President's party may seem strange, the explanation is simple. All of the aggressiveness, the unity and efficiency of organization of the campaign was with the Republicans. In the camp of the President dissension and discouragement prevailed. There was little active sympathy for the distress and hard state of the South at this period. And what little there was, the vindictive intensity of the Republican leaders quelled. The opposition that was to be expected from conservatism to radicalism was greatly minimized by the disrelish of its elements, Democrats, Whigs, Conservative Republicans, to each other. How deep such antagonism cut into the administration alignment is indicated in the following—antagonism upon differences which now forgotten or unknown, were potent enough in 1866 to keep thousands from the polls lest in opposing a radicalism they abhorred, they should give aid and comfort to those they detested.

(Private) New York, July 14th, 1866.
My dear sir.

You know the extreme repugnance, which the *barnburners* of this state have to Mr. Seward, a repugnance which I doubt if it is possible to overcome. If the President had reorganized his cabinet a year ago, he would have stood on impregnable ground. As it is, our friends distrust every movement, in which Mr. Seward appears to bear a leading part. They know, that between his policy & the true democratic policy, there is an impassable gulf. They know, moreover, that, apart from policy, he has in his interest, and as his tools, the worst, most profligate men this state ever saw, with whom they will have nothing to do.

In talking with our people about the Phila. convention, I am met with this objection: it is a Seward & Weed concern; or, Seward and Weed are getting it up; or, if we go into it, we shall have to bear all the odium of those names whether they actually control the movement or not.

Now, my dear sir, what answer can be given to these objections? Is Seward to be a fixture in this administration? If he be, then I think it *impossible* to draw to its support the democratic element in the republican party:—no matter who may attempt it.

When I last conversed with you, I explained my views very fully. I have the same still. The President should rely: 1—Upon the democratic element in the party, which elected him, that is to say, upon that element, which follows mainly the political opinions of Jefferson, Jackson, Tompkins, Wright, & Wadsworth. 2—Upon such portion of the democratic party, falsely so called, as was loyal during the war, & will now unite with us. In this way, and in this only, as I think, can the President lay a foundation on which he can stand & defy attacks from all quarters.

Please let me hear from you; I should be glad also, to know, how Mr. Blair regards the present position of affairs. I knew how he felt last winter.

Very truly yours,
David Dudley Field.

Hon. J. R. Doolittle.

A connected relation of its political fruits is essential in writing the history of 1866, the year in which birth and shape were given to reconstruction; when the chain was forged that shackled the South for so many years. This has necessitated leaving behind the concurrent course of home industrial affairs, which is now taken up. The season was an adverse one almost from the beginning—one in which disappointed expectation and blasted hopes swelled in widespread disaster. In it was crowded economic calamities and misfortunes beyond all that had gone before or that came after. And at no other time was there ever such vital need for fortune's favors. At the start the transition from slavery to free labor was as favorable as could be expected in reason. Lands were prepared and crops planted reasonably well and in good time. There came on, however, that worst of all visitations for the cotton fields an excessive and almost daily precipitation which lasted well through the cultivating season. This extended all over and beyond the state. It was attended by the worst epidemic of charbon ever known which carried off thousands of mules in the river country. The following is taken from the Vicksburg *Herald:*

The valley was afflicted besides with a cholera epidemic. Spreading from the eastern cities it reached the lower river cities and towns in August, and prevailed throughout September. In Vicksburg there were near 200 deaths, including a dozen or more soldiers of the garrison. On some plantations it raged with especial violence. The Natchez *Democrat* noted the death of 40 negroes from cholera on the Hoover plantation, below that city. It was equally deadly in Memphis, Nashville and New Orleans. A Memphis press dispatch announced 13 cholera deaths August 29th. "How many," it said, "have occurred among the negroes huddled in South Memphis, it is impossible to ascertain." The following is quoted from the New Orleans *Picayune:* "A pestilence sweeps through the land. The cholera has taken a more sudden and tenacious hold upon our vitals in less time than it has done anywhere else in the new world. Its advent has been reported at different points for months past, and yet we venture to assert that it never disseminated itself half as fast, nor have its ravages proved as bad in any community, considering the short space of time during which it has existed here."

A marked decline in prices carried cotton far below the calculations under which the cost of the growing crop was predicated.

This was caused by the appearance of a great deal more cotton grown during the war than was estimated. That disappointment was accentuated by a United States revenue tax of three cents a pound, when it had been hoped that the tax which had been fixed at two cents during the war would be repealed. A state tax of two dollars a bale was levied because there was no other reliable source of revenue except land which was, in the impoverished state of the country, carrying a heavy burden. A letter denouncing the federal cotton tax published in the Cincinnati *Enquirer* is quoted to show how this tax was regarded: "This account has been given not only as showing the lack of statesmanship which is cutting down the tree to get at the fruit, but also for the purpose of calling the attention of the Northwest, through the columns of the *Enquirer,* to the manner in which this villainous imposition on a people already afflicted by Providential dispensations, will militate against the interest of that section. Alarmed at this dismal prospect, planters all over the state who had put almost their every acre into cotton, and relied on purchasing their breadstuffs and meat from the West, are beginning to plow up the sickly, and, if healthy now, almost worthless, cotton, and plant corn in its stead.

Under the head of "plowing up cotton," the *Coahomian* echoed the distressing story of discouragement and despair. The article is quoted from as follows: "We are informed by letters from both Tunica and Bolivar counties, and orally by citizens of this county, that there have been several meetings held by the planters, at which it was resolved to plow up all the cotton in the least damaged, and plant in the stead corn, potatoes, and other necessaries of life—it being their opinion that it is cheaper than raising cotton, with three cents a pound tax and then buying those articles from the North and West."

The gloomy picture was amplified in *The Mississippian,* published at Jackson, of August 1st. That paper said:

> The *Mississippian* says it has embraced every opportunity offered to ascertain from planters throughout the state the condition of the cotton crop. From information received from various reliable sources, and from different parts of the state, we write it down as a settled thing that not more than one-fourth of a crop will be made, if that.

With all these adverse happenings it was not strange that there was despondency on plantations attended by relaxation of effort among the negroes. This caused friction with the planters which had been avoided while there was promise of a successful year. Misled by mischief-making malcontents, General Wood issued the following misguided order:

> HEADQUARTERS DEPARTMENT OF MISSISSIPPI,
> Vicksburg, Miss., Aug. 16, 1866.
>
> Information has been received at these headquarters, that, in various parts of the state, parties engaged in planting, since the termination of the active work of making the crops, are discharging the freed people whom they had hired for the year, without settling fully with them for their previous labor. But if full remuneration were paid to the freed people for their previous labor, it would be gross injustice to drive them away from the plantations, after they had made their arrangements for the year, and when they must necessarily be subjected to much privation and suffering by being thus suddenly deprived of a home and support.
>
> But the foregoing does not describe the worst form in which this outrage and injustce on the rights of the freed people is reported as being practised. The majority of these cases in which this outrage is being committed is where the freed people have been employed to work on shares or for a stipulated part of the crop; where the freed people have been employed to work for a part of the crop, to discharge them from a service and drive them from their homes on the plantations, is simply robbery. Such

iniquity must excite in the minds of all honest men, indignation at the offense, and abhorrence of the guilty perpetrators of it.

It is believed that only a comparatively small portion of the community can be guilty of practising such an enormity, and the honest and fair dealing men are invoked to frown down and suppress the perpetration of it.

It requires little foresight to predict that if the freed people are treated in this way, and robbed of the fruits of their labor, they can no longer be depended on to supply the physical force necessary to cultivate the soil—a result whose direful effects cannot be overestimated. The commission of such outrages on the rights of the freed people will not be permitted in this department, and in such portions of the state as it may be reported to occur, a military force will be stationed to prevent it.

By order of

Major General Th. J. Wood,
Marcus P. Bestow,
Ass't Adj't Gen.

As soon as the general was made aware that the information upon which he had proceeded was necessarily and absurdly erroneous—that with a backward and grassy crop and the planting season at hand, no planter would drive off labor—he authorized the following publication in The Vicksburg *Herald:*

"We are authorized by General Wood to state that no portion of the order is intended to refer to negroes who have not complied with their contracts. On the contrary, he thinks that where they refuse to work, they should be made to leave; and should planters be unable to make them quit their places, the assistance of the military authorities will be cheerfully rendered; just as on the other hand, the Military will be used to protect the negroes, when they are in the right, if the *civil authorities fail to do so.*"

In truth many of the negroes ran away from their crops because they saw little promise of fruits of their labor. They moved into the town in search of transient jobs or rations from Freedman's bureau. A letter in the *Herald* which had helped enlighten General Wood as to the facts of the situation is quoted:

The fact is, in many cases, the freedmen, instead of illustrating the principle that has been claimed by some "philanthropists," for all human beings, that freedom and wages are sufficient incentive to industry and application, have become so indolent, as to require admonition and even threats, that if they did not go to work as their contracts require, they must leave. And it is probable that having already drawn the equivalent of their stipulated wages, they packed up and left, and reported to some "professional friend" that they were discharged without pay.

Again, in many cases, planters have difficulty in persuading them to stay to gather the fruits of their labors, and have to offer extra wages; and yet they have failed, on account of the desire of the freedmen to change location—and I have no doubt many such freedmen come into Vicksburg and other cities, and represent themselves as abused and wronged, for they could not secure sympathy and shelter without such statements.

Harkening to complaints of the demoralizing effects of "free rations" Gen. O. O. Howard addressed the following communication to the Secretary of War:

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Washington, August 17th, 1866.

Hon. E. M. Stanton, Sec'y of War:

SIR: In view of the fact that charges are constantly made by a large number of prominent citizens in the South and elsewhere that persons are fed by the Bureau in idleness, and in consideration of the statements made by Inspector Generals Steadman and Fullerton, implying that the people who labor for support are rendered idle by the promise or hope of rations from the Government, and further considering that the crops are sufficiently matured already to prevent actual starvation, I recommend that on and after the first day of September next, the issue of rations be stopped, except to the sick and regularly organized hospitals, and to the Orphans' Asylum for refugees and freedmen already existing, and that the State officials who may be responsible for the poor be carefully notified of this order, so that they may assume the charge of such indigent refugees and freedmen as may not be embraced in the above exceptions.

Very respectfully,
Your ob't serv't,
O. O. HOWARD,
Maj. Gen. and Com'n'r.

Approved, to take effect on the first of October.

E. M. Stanton,
August 23d, 1866. *Secretary of War.*

Circular No. 10.

In accordance with the instructions of the Secretary of War, it is ordered that, on and after the first day of October next, the issue of rations be discontinued, except to the sick in regularly organized hospitals, and to the orphan asylum for refugees and freedmen, already existing, and that the State officials, who may be responsible for the care of the poor, be carefully notified of this order, so that they may assume the charge of such indigent refugees and freedmen as are not embraced in the above exceptions.

There is no record that this order located the case of any "indigent refugees or freedmen" upon the state, or that there was any suffering from the shut down of the bureau camps. Their inmates simply and naturally drifted back to the plantation quarters, where they found self sustaining and easy work, enforcing the belief that it would have been better on all accounts, had the bureau never extended its activities to the care of the indigent and helpless.

The crowning economic disaster came through a visitation of the caterpillar, or army worm. While there were appearances of this pest the previous year, they were more destructive in 1866 than ever before or since. The following is reproduced from the Woodville *Republican,* of September 15th:

Within the last week, causes involving a heavy calamity, have been most diligently at work; and the cotton crop is ruined irretrievably. The past two weeks' rain have destroyed the last hope of anything like a crop; scarcely a field that is not being foraged utterly out by the armies of worms, that have, at length, appeared in all their destructiveness. A few days more and not a leaf of cotton can be seen, while the bolls that are left and are ready to open, are seized with the rot, thus destroying that which would have been exempt from the worms, from its advanced stage. New Orleans supply merchants need not think this is a fancy or sensational sketch.

We conversed with planters from every section of the county, at the meeting on last Tuesday, and it was the same tale from every neighborhood. Planters will generally no more than clear expenses.

Indeed where there is one who will make enough to pay off old debts, there will be one whose present crop will not pay for the outlay of this year.

To return to the 3-cent cotton tax law—which was approved and took the place of the pre-existing statute placing the rate of tax at 2 cents a pound, July 13th, to go into effect August 1st. Oppressive as the law was in itself, it was made infinitely more so by the regulations promulgated for assessing and collecting the tax. As an instrument to harass and plunder their victims, it was successful beyond the calculations of the architects of this refinement of cruelty. A section of the regulations of the Treasury Department is quoted:

> All persons engaged in producing or dealing in cotton, or in the transportation of the same, will specially note that section 5 of the act of July 13, 1866, renders it unlawful, from and after the 1st of September, 1866, for the owner, master, super-cargo, agent, or other person having charge of any vessel, or for any railroad or other transportation company, or for any common carrier or other person, to convey or attempt to convey, or transport any cotton, the growth or produce of the United States, from any point in the district in which it shall have been produced, unless each bale or package thereof shall have attached to or accompanying it the proper marks or evidence of the payment of the revenue tax, and a permit of the collector for such removal, or the permit of the assessor as hereinbefore provided, or to convey or transport any cotton from any State in which cotton is produced, to any port or place in the United States, without the certificate of the collector of internal revenue of the district from which it was brought that the tax has been paid thereon, or the permit of the assessor, as hereinbefore provided; and such certificate and evidence must be furnished to the collector of the district to which it is transported, and his permit obtained before landing, discharging, or delivering such cotton at the place to which it is transported.

This section carried severe penalties for violations of its provisions.

With the law enacted at the beginning of the picking and shipping period there was delay in framing these rules and regulations. There was also dilatoriness in the appointment of the county assessors, collectors and weighers. Thus the shipment of the crop was tied up tight until over a month of the shipping season was past. These county officials, when appointed, were given absolute and arbitrary power within their spheres of work. At their discretion they could require cotton to be weighed, the tax assessed, paid and certified on the respective plantations or farms, or transported to some designated point at their will and convenience. Their fees and expense account to be deducted from the cotton with the tax before it could be removed out of the county, were fixed at more than liberal rates. The following notice indicates the method and its hardship of requiring growers to bring to a single point all the cotton raised in large counties.

INTERNAL REVENUE NORTHERN DISTRICT.—The following places, among others, have been designated in the Northern district, where an Assessor or Assistant Assessor, and a Collector or Deputy Collector, will be located on the days respectively, for the purpose of weighing and appropriately marking, under the Internal Revenue laws, any cotton which may be brought to those places where the same was produced in the District, viz.:

Beulah, Bolivar county, Monday, Wednesday, and Friday.
Friar's Point, Coahoma county, Tuesday, Thursday and Saturday.
McNutt, Sunflower county, Monday, Wednesday, and Friday.
Charleston, Tallahatchie county, Tuesday, Thursday, and Saturday.
McNutt, Sunflower county, Monday, Wednesday, and Friday.

The following letter from a passenger on the way from Memphis to Vicksburg to The Vicksburg *Herald,* of Sept. 26th, besides telling of the ravages of the cotton worm, explained the incidental hardships and iniquities of the cotton tax.

"I regret exceedingly to state that the ravages of the army worm has swept and is sweeping over the fairest and most promising sections of the river country between Memphis and Vicksburg. Your correspondent saw cotton stalks brought on board covered with worms and entirely stript of leaves, and from the representations of the planters throughout the Deer Creek country and around Grand Lake, Lake Providence and neighboring localities, we may say in as many words, the crop thus affected is reduced at least one-third by the army worm, over and above all other disadvantages.

The cotton fields in the localities referred to are said to be without a green leaf, and look as if they had been swept over by fire. These statements on the part of farmers are doubtless true, and bode, as I fear, trying times ahead. Cotton, in my opinion, will advance in price, apportioned to its scarcity, and thus in a measure relieve those who have risked their all in its culture at this time. The chief trouble at present encounterd by planters and steamboatmen, is the inability to ship their cotton from the plantations along the river, there being no agent to make the proper assessment of taxes, the prepayment of which is necessary before the cotton is moved.

Out of the many piles of cotton we saw along the river, we did not hear one single planter say he had the right or power to ship a bale without running the risk of losing his cotton by the ever watchful law. Much trouble is anticipated in these respects. Notwithstanding all these things, the people seem as if disposed to look misfortune in the face with a hopeful smile. With such a people there can be no such word as fail; profiting by the sad lessons of the past, they can but triumph in the end. As you are no doubt aware, it is the imperious duty of each newspaper in the Mississippi Valley to force upon the proper authorities the immediate appointment of the proper assessors at all shipping localities along the river, in order that the cotton producing interest may escape the ruinous operations of one of fanaticism's most ruinous laws."

To extricate the cotton planting interests from the ruinous operations of a ruinous law, a meeting was held in New Orleans Sept. 11th, by cotton factors and others interested in cotton raising. A memorial was addressed to the secretary of the treasury in which it was stated that the "regulations concerning the weighing and marking of cotton, the assessment and collection of the tax and the removal of cotton under bond," prescribed in Series 2, No. 5, from the Treasury Department, Office of Internal Revenue, under date 'Washington, July 31, 1866,' are exceedingly onerous on the planter and the merchant, and are, in the opinion of your memorialists, not well adapted to protect the interests of the Government. We, therefore, respectfully suggest such modifications of these regulations as will, in our opinion, tend to relieve the planter and the merchant from the embarrassments attending the existing regulations, without operating adversely to the interests of the Government, and at the same time in harmony with the spirit of existing laws."

The onerous regulations were specified, with particular recommendations of changes that would, while affording the desired relief, not "operate adversely to the government." A committee was appointed to proceed to Washington and urge the adoption of these recommendations upon the secretary of the treasury. But redress was not forthcoming. The authors of the law for wringing tribute from the conquered and impoverished people, had done their work too well, making it immune to executive alterations. The result of the vain appeal is indicated in the following:

WASHINGTON, Oct. 4, 1866.

JOSEPH DENEGRE, Sec'y, New Orleans, La.:

DEAR SIR—We have at last brought our mission to an end, but by no means a satisfactory one to ourselves or those we represent, as will appear from the inclosed decision of the attorney general of the United States, which we beg leave to hand you for publication; to which we have nothing to add, except that the President and heads of departments, with whom we have had free intercourse previous to our memorial being submitted to the attorney general, seemed sincerely to regret their legal inability to grant the relief we petitioned for.

The most that could be hoped was that congress would be forced to recognize the flagrancy and the iniquity of the hardships imposed by this tax upon the productive power of the South. It was calculated that if the radical heart was obdurate against rebels, it would relent under the consciousness that the punishment imposed reached the freedmen as well. The influence of the Northern commercial and manufacturing interests were also counted on for repeal. At a meeting of the New York Chamber of Commerce, a report was presented and adopted in favor of the total and immediate repeal of the tax of three cents a pound on cotton. The committee making the report was instructed to prepare a memorial to Congress setting forth the injustice and impolicy of the tax. Commenting on the action of the Chamber, the *World* says:

"At present, there is no branch of the national industry so much depressed as cotton culture. Instead of crippling it by governmental obstacles, it is our interest to take off every burden and give full play to the natural elasticity of recuperation. The West needs it as much as the South; for the South stands to the West in the position of a great natural market. More hands can be employed, and consequently more mouths require to be fed, by the cotton culture than by all the manufactures of the Eastern and Middle States. It is a branch of industry which, if not artificially obstructed, can never be broken down by a rival commodity; it ranks as one of the most solid, reliable, and commanding of all our national resources. To thrive, and enable the country to thrive with it and by it, it requires no protection, no bounties, no government handling; it only asks an open field, fair play, and to be let alone."

An election was held for county officers, judges and district attorneys, October 2nd, throughout the state. Members of the legislature had been elected the year before. The choice of officials for their home government was orderly and uneventful, though attended by active local interest. A large proportion of the persons chosen were ex-Confederate soldiers, many being cripples.

Under the stress of fate's hard decree, the people were turned to a session of the legislature. No particular means of relief was perceived or proposed—nothing tangible that the legislature could do all to alleviate prevailing economic distress. It was merely vaguely hoped that the legislature might do something—that there might be wisdom in the multitude of counsellors. The following resolutions of a public meeting in Carroll county voiced the general sentiment; responding to which Governor Humphreys, on Sept. 15th, issued a call for the legislature to meet, October 15th:

Resolved, That the Governor be memorialized to convene the Legislature at an early day to devise means for the protection of the country from pecuniary ruin which now threatens it.

On motion it was resolved that a committee of three be appointed to memorialize the Governor in accordance with the resolution offered.

At this inauspicious time, as officially required, Gov. Humphreys made another call upon persons so bound, for redemption of unredeemed cotton bonds, about two and a half millions. His proclamation, dated September 25, 1866, after reciting the history of the case, closed as follows:

> Now, therefore, I, Benj. G. Humphreys, Governor of the State of Mississippi, by virtue of the authority vested in me, by the constitution and laws of said State, and the duties imposed on me by said Act, require all persons to whom advances may have been made, under said act, to come forward and pay the same, either in gold or silver, or said Treasury Notes, within thirty days from the date of this proclamation, or suit will be instituted on said bonds.

The Governor's message to the legislature is quoted from freely, as a vivid picture of the troubled and most momentous period of history, a true revelation of the vexed and perplexing questions and issues that tried the souls and darkened the minds of the people of the war generation.

EXECUTIVE OFFICE,
Jackson, Miss., Oct. 16, 1866.

To the Senate and House of Representatives:

The necessities of the State constrained me to convene you in extra session. No special emergency, but a general exigency, resulting from the altered and deranged condition of our Federal Relations and domestic affairs, at the termination of the late civil war, which, in the nature of things, could not be fully adjusted and provided for at your first session, demands now your further consideration and attention.

The removal of the negro troops from the limits of the State, and the transfer of the Freedmen's Bureau to the administration and control of the officers of the Regular Army now commanding the white troops in the District of Mississippi, are subjects of congratulation to you and to the country. The white race is thus relieved from the insults, irritations and spoliation to which they were so often subjected, and the black race from that demoralization which rendered them averse to habits of honesty industry, and which was fast sinking them in habits of idleness, pauperism and crime. Both races are now settling down in business life and cultivating those sentiments of mutual friendship and confidence so essential to the prosperity and happiness of both.

Beyond these congratulations there is but little in the political horizon to cheer the patriot or excite the hopes of our citizens. That small cloud of fanaticism that rose in the East, at first no larger than a man's hand, and spread with such irresistible fury, overthrowing constitutional barriers and destroying the rights and property of a portion of the States of the Union, still overshadows our land with all its portentous blackness. Our Senators and Representatives to Congress are yet refused their seats. The Radical Congress has enacted laws and proposed amendments to the Constitution, which if adopted will destroy the rights of the States and of the people, and centralize all the powers of government in the Federal Head. Against this threatening cloud of ruin the President has interposed the Executive power of the Government, and has thus drawn upon his devoted head all its fury and vengeance.

* * * * * * * *

The result of the fierce struggle between the President and Congress, time alone can reveal. In the adjustment of what they term "plans of reconstruction of the Union," the South can have no voice, and can only submit to the power that controls her. As the Chief Magistrate of the State I have sedulously avoided all collision with Federal power and have yielded obedient acquiescence in every case of usurpation and wrong inflicted upon our citizens by Federal authority.—Our people are wearied of war, its desolation, its vandalism. They have returned to their allegiance to the Constitution of the United States. They now seek for peace, its quiet and security by submission to its power. They have nobly met and heroically performed their duties and responsibilities to Constitutional liberty, and proudly conscious of rectitude, they transmit to posterity and to history the record of the past without a blush of contrition or dishonor.

Though our voice cannot be heard, nor our rights respected in the adjustment of our Federal Relations, many questions present themselves for our consideration and action as citizens of the state that may effect our condition as citizens in the Union. Prominent among them is the amendment proposed by Congress as number XIV, which, at the request of the honorable Secretary of State, William H. Seward, I herewith report for your action. This amendment, adopted by a Congress of less than three-fourths of the States of the Union, in palpable violation of the rights of more than one-fourth of the States, is such an insulting outrage and denial of the equal rights of so many of our worthiest citizens who shed lustre and glory upon our section and our race, both in the forum and in the field, such a gross usurpation of the rights of the State, and such a centralization of power in

> the Federal Government, that I presume a mere reading of it will cause its rejection by you.
>
> The Civil Rights Bill passed by Congress at its recent sessions conflicts directly with many of our State laws, passed in pursuance of the amendment to the State Constitution emancipating the slaves of the State and requiring the Legislature "to guard them and the State, from the evils that may arise from their sudden emancipation," and has been a fruitful source of disturbance.
>
> Immediately after your adjournment in December, 1865, I appointed Hon. Wm. Yerger of Hinds county, and Hon. J. M. Acker of Monroe county, Commissioners to visit Washington City, and lay these laws before the President and to request him to indicate which of them the military authorities in the State would be allowed to nullify.
>
> The President, in his reply, gave them full assurance that none of them should be nullified except by the Civil Courts of the land. No violent collision has yet occurred between the State and Federal authorities, and I fear none so long as the military District of Mississippi is under the administration of the present distinguished military commander, who has, in the settlement of the many delicate questions that have arisen, shown so just a sentiment toward our State and people. Thus far, all questions that could not be otherwise adjusted have been submitted to the judicial tribunals of the country, and are now undergoing, judicial investigation. While the Civil Rights Bill cannot be received as a rule for your guidance, the interests of the white race will be subserved by the relaxation of the rigidity of our laws, which in order to guard society against threatening evils, was rendered necessary. Public justice to both races demand the admission of negro testimony in all cases brought before the civil and criminal Courts. And now that the negro has shown a confiding and friendly disposition toward the white race, and a desire to engage in the pursuits of honest labor, justice and honor demands this of us.

Governor Humphreys discussed at length the tangled and harassing question of a law staying, or extending the time of collection of private deeds:

> As the executive, I claim no authority to decide who is the worthy and who is the unworthy creditor—and I do not know how to average and divide the losses all have sustained. I feel no ordinary personal interest in the postponement of the day of pay-

ment. My sympathies have ever been enlisted in behalf of the helpless and the needy. My heart's love is entwined around the brave Confederate soldierly chords that cannot be severed; and I would divide with him the last crumb that belonged to myself—but I must confess my want of wisdom to devise the scheme that will absolve him or relieve his property from the obligations of his contract with others, without their consent, so long as there is virtue, power and majesty in the constitution under which he lives. Any scheme, however, that may be devised for the permanent or temporary relief of the people from the pressing embarrassments of our great disasters, that is clearly within the restrictions of my obligation to the constitution, will receive my cordial co-operation.

But my faith is not in "stay laws." Temporary relief from debt often tends only to additional embarrassments. Patient industry, strict economy and "long suffering" are now our destiny and our duty, and the only means of restoring our lost fortunes and re-establishing our prosperity and happiness.

May Almighty God whose chastening hand manifests his love, inspire us all with wisdom, and guide us through the black night that shrowds our distracted country in gloom, despondency and uncertainty.

The people were afflicted beyond legislative power to prescribe or cure. The healing touch of time alone could bring succor or healing—"vain was the help of man." The session only lasted two weeks when there was adjournment to the third Monday in January, 1867. The relief of debtors by law which many had hoped and contended for in spite of failure of the effort to provide such recourse the previous session, was again attempted. Both houses passed a bill entitled "An Act to regulate final process on judgments and decrees in certain cases." It was vetoed by Governor Humphreys as being in conflict with the provision of the Constitution forbidding laws impairing the obligation of contracts. The county court Act of the previous session and the school laws were changed materially. The state revenue law was amended in several particulars including a reduction of the cotton tax to a dollar a bale. The county of Lee was created. Such provision as an empty treasury permitted was made for maintaining the state institutions, the penitentiary, hospitals and humane asylum. The manufacturing equipment of the penitentiary having been destroyed by Union soldiers, by leaving the convicts a veritable white elephant for the state to care for, provision was made for leasing them to private bidders—the beginning of a system that was operated for years and until its incidental abuses and scandals forced its abandonment.

An Act was passed providing for the payment of debts contracted or assumed by the general board of levee commissioners which had been created by the Act of December, 1858, commonly called the liquidating levee Act. Local and private legislation and the amendment of laws of more or less importance made up a large part of the record of the session.

While opposition to the 14th amendment was unanimous in the legislature and practically so among the people, action upon it was deferred. The position of the two senators at this crucial juncture is to be read in the following from the Vicksburg *Herald:*

> As prominence is again given to the letter of President Johnson to the late Provisional Governor Sharkey, of this State, in which it is said the President urged the doctrine of "impartial suffrage," so-called, we feel authorized to state from a recent conversation with Governor Sharkey, that he is *utterly opposed to negro suffrage in any way it can be fixed, partial or impartial.* He also believes that Congress has nothing to do with the subject, and cannot legally touch it. It belongs exclusively to the States, each State acting for itself.

JUDGE SHARKEY AND GEN. ALCORN.

> MR. EDITOR:—I read in the *Herald,* this morning, with great gratification, your brief editorial, announcing that Judge Sharkey is unalterably opposed to negro suffrage in any form. It would be equally gratifying to the people of Mississippi, to know that their other Senator, Gen. Alcorn, had also placed himself in opposition to this nefarious measure. Will you not draw the General out on the subject of negro suffrage? It is a well known fact that last year he addressed a letter to a distinguished citizen of our State in which he boldly advocated that doctrine!—That letter is still in existence, and if the General will only express such a desire, I doubt not it can be obtained for publication. Will he do so? Will he oblige his constituents with his reasons for favoring negro suffrage? Or, if he has "changed his base," and is now opposed to the views of his friend Greeley in regard to

"impartial suffrage," he will perhaps not object to tell the people what has wrought this change!

If, however, *no* change has "come over the spirit of his dream"—if he is yet in favor of negro suffrage—perhaps self-respect may indicate to him that he is not a fit Representative of the people of Mississippi, and that a very ordinary regard for public opinion should induce him to resign a position he cannot hold without dishonoring himself and outraging the well known will of the people.

MALEK.

BELLE ISLE, Nov. 22, 1866.

In further proof of the friendly race relations prevailing at this time, and of the confidence reposed by Gen. Wood and the bureau department in the whites, the following is published:

HEADQUARTERS DISTRICT OF MISSISSIPPI, BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS.
OFFICE ASST. COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Miss., Sept. 22, '66.

Circular No. 14.

With a view to obtaining, preserving, and publishing accurate information of the progress of the educational movement for the improvement of the colored people, the conductors of all schools not under the auspices of this Bureau, established for the instruction of this class, whether founded by single individuals or charitable institutions, are respectfully requested to furnish to the nearest sub-commissioner, for the purpose of its being forwarded to these Headquarters, a monthly report, &c., * * *

Such managers of schools as comply with this request, will be furnished with blank forms on which to make their subsequent reports, with a view to facilitating the making of them, as well as to securing uniformity; and such aid will be given to the schools so reporting, by this Bureau, as the act of Congress establishing it will permit.

By Order of Bvt. Maj. Gen. Th. J. Wood:

A. W. PRESTON,
Act. Asst. Adj't Gen'l.

[OFFICIAL.]

OFFICE ASST. COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Miss., Oct. 9th, '66.

Circular No. 22 .

It is hereby officially announced that the Reverend William K. Douglas, Protestant Episcopal Church, and late Superintendent of public schools in the City of Natchez, has been employed by the Freedmen's Bureau to traverse this State to aid in the establishment of schools for the education of the colored race.

All military officers on duty in this State will give to Mr. Douglas every proper facility in their power for the accomplishment of his work; and the citizens of the State generally, and especially the State officials and the religious organizations of every sect and denomination, are most respectfully, yet most earnestly appealed to aid Mr. Douglas in achieving what it is confidently believed a little reflection will convince every good citizen is a *desideratum.*

By order of Bvt. Maj. Gen. Th. J. Wood:

A. W. PRESTON,
Act. Ass't Adj't Gen'l.

[OFFICIAL.]

This publication was received with such favor that Gen. Wood proposed and published a plan of co-operation between the bureau, of which he was now the state commissioner, and the citizens for a system of negro schools; of which there were already some taught by native whites.

It was endorsed and urged by bishops and clergymen of the various denominations. For the localities to extend to the negro children the advantages of a rudimentary education was recognized in the line of both duty and policy—as a step toward relieving the state of a supervision of home affairs that was longed for by all. It is of the writer's personal knowledge that in Wilkinson county negro schools with white teachers were established and in Woodville money was raised by private subscription for building a negro school house.

Dr. C. K. Marshall was one of the most distinguished and eloquent preachers of his day. He was a citizen as well of prominence and influence. The following passages from an address he published in The Vicksburg *Herald* Dec. 1st, which was widely circulated by Gen. Wood in the North, where the public mind was then being inflamed against the Southern people by lying and exaggerated stories of abuse of negroes, is quoted:

Major General Wood, U. S. A., Ass't Commissioner Bureau Refugees, etc., the distinguished commander of this District, recently issued Order No. 17, dated Nov. 3d, offering certain facilities and funds in aid of the schooling of colored children, which brings the matter directly to the attention of the citizens and people of this State at large. A communication addressed to me from an eminent citizen of New York connected with an association organized for the purpose of carrying out the same object, offers funds in aid of the same peculiar work. And besides, the idea which has suddenly seized upon the great mass of our former slaves, that, in some way, their children are to be educated, and the anxiety many of them feel on the subject, united with many other considerations, lead me to answer all enquiries addressed to me in this formal, and, I hope, excusable manner.

The education of the Freedmen's children in the common branches of learning taught in our schools, is unquestionably a duty we owe alike to ourselves and to them. I am deeply and painfully impressed with the disabilities under which thousands of the poor white children of our commonwealth suffer for the want of schooling. Neither class should be overlooked. True philanthropy must clear its path of every obstacle in the way of its proper work, and move steadily forward in its accomplishment till all classes rejoice in the blessings of its mission.

As citizens, and as Christians, our relations are entirely amicable towards the freedmen. We understand them, if any people do, and all they are today, above their savage ancestors, they have been made by the white people of the South. It is due to you, therefore, in calling your attention to the new form of domestic care you are expected to bestow upon them, to recognize the great and matchless advantages they have derived heretofore from your guardianship. You are entitled to the commendation of the civilized and christian nationalities of the world for the share of services you have rendered to the millions of Africans who have inhabited this land. They were forced upon your sires by England and by New England, against their solemn and repeated protests. They were then benighted heathens. They did not know the proper use of clothing, nor the correct methods of preparing and eating their food; nor did they like living in houses, or know the necessity for the free use of water. They were, in numerous instances, cannibals, and until recently, have been practicing their old ancestral habits; while of the marriage duties and obligations, they had scarcely heard. Their minds were full of the grossest superstitions; they were idol worshippers, and were ruled and held in awe, by their conjurers, trick men, and fortune tellers. Their manners were repulsive; their habits filthy, disgusting, intolerable. Of God and the world's Redeemer, they knew nothing—they were literally "without God and without hope in the world." Physically they were weak, and generally diminutive in stature; being untrained to systematic labor, the essential muscles for profitable toil were undeveloped. Their intellects were as dark as the rayless night that brooded, and still broods, over their native land. As a general truth they cared nothing for each other, were bound by none of the common ties of civilized men—were by nature, tradition, and habits, idle, thriftless, and improvident. They knew nothing of a coming morrow, and cared less.—They spoke innumerable dialects, or jabbered in the unintelligible gibberish of the hundred tribes, whose chiefs had rescued them from their shambles of sacrifice and death to sell to the English or American traders for glass beads, jewsharps, bogus jewelry, and New England rum.

I now look upon these people, whom patriarch slavery has so educated, so elevated, so christianized in your hands, with amazement and gratitude to God, and congratulate you upon having performed for them the greatest work of benevolence, educational development, moral improvement, and religious culture, ever achieved on so grand a scale since men needed civilization. All the boasted missionary enterprises conducted by the United powers of christendom in two hundred years past, pale and sink from a comparison with the vast and unparalleled blessings your labor has accomplished for them.

Despite the ill-advised and passionate enactments of legislative bodies, stung almost to fury by the fanatical attempts of abolitionists to excite them to rebellion, insurrection, arson, and murder, thousands of them everywhere learned to read and write. And but for those insane interferences with your domestic affairs, they might long ago have had multitudes of schools established among them, and probably newspapers adapted to their capacities, circulated on nearly all the plantations. Slow to learn, and dull of comprehension generally, they were nevertheless rising gradually in the scale of improvement as fast as their natures were capable of advancing.

Christianity had won her converts among them by hundreds of thousands; and their knowledge of the Bible, the catechism, and the obligations of religion, however imperfect, would shame the millions of Anglo-Saxons who struggle with vice and ignorance under the very shadow of monumental churches and world-renowned halls, where the profuse outlay of millions of dollars annually on schemes of foreign relief, sadly illustrate the mock benevolence which has little or no charity for the "Greeks at the door."

The African slaves in the hands of masters have made greater improvement physiologically, mentally, and morally, and been raised higher above the level where the two races stood two hundred years ago, than has the Caucassian."

No stronger statement of the merit of the South's side in the slavery issue has ever been made than that presented by the Rev. C. K. Marshall, from which the above is taken. Called forth by vindictive and indiscriminate charges against the Southern people, the seeds of truth it so eloquently championed fell upon unfruitful soil. Sprouting, they were withered by the scorching heat of sectionalism which had so blinded and warped Northern minds that they would see no good coming out of the Southern Nazareth. All testimony, however, evil and false was accepted, while all that was just and true was rejected. Mr. Marshall's claim of what the Southern slaveholders did in the elevation of the negro is the vital and eternal truth, nevertheless. In the Almighty's final arbitrament, in the balancing of all accounts, it will be given its real value. Eaten up with zeal for the liberty of all men, for the "Terror's" slogan "equality, liberty and fraternity," and appalled by visions of the enormity of the sin of holding men in slavery, Jefferson was troubled by visions of San Domingo. "I tremble," he said, "for my country when I think of the negro and know that God is just. * * * The Almighty has no attribute which can take sides with us in such a contest." The equality creed of the Father of Democracy, and a Virginian slaveholder, was adopted in the temple of abolition by the Lincolnites as their choicest justification for invading and spoiling the "land of bondage." Jefferson even supplied argument for the policy of confiscation, which was urged by Stevens and Ben Butler. "I submit," he wrote, "the problem for the master to solve, whether the slaves may not justifiably take a little from him who took all from him."

That slavery was an inherent evil, no one can deny. But being "just" will not the Almighty balance the good against the bad? Is weighing the condition of the African in Africa—which is today what it was when Mr. Marshall wrote of it—

with that of the millions of their American descendants, "physiologically, mentally and morally," at the time of their emancipation, cause for "trembling"? What was the "all the master took from the slave"? Not "liberty"—he was and his African tribesmen are today, in a ten times worse condition of bondage than befell the slaves of the hardest Southern slave owner. In all the world's history of slavery, Egyptian, Grecian, Roman, never did the yoke rest so lightly on slaves, we may say with absolute truth, as upon the negroes of the Southern states.

There was no full test of Gen. Wood's plan of enlisting the favor of the former slave owners in the education of the former slaves. There can be no judgment of its merit, as it was too soon swept away by the surging waves of race distrust and antipathy raised by the ensuing radical policy. But in a subsequent order Gen. Wood thus testified to the good spirit in which the white people who were in industrial control of the thousands of negroes of the state received his well meant action:

> The undersigned hereby expresses his thanks to the many planters who have assured him, that they will establish, during the coming year, plantation schools for the education of the children of their colored laborers, and make arrangements to have religious instruction given to the whole; and he hereby renews his recommendation and request to all planters to pursue the same course.

As the time drew on for congress to meet, realization was forced on the Southern people of the meaning placed in the North upon an election result, recorded in the choice of a clear two-thirds radical majority in the house. More than this, the popular endorsement of the radical policy assured the leaders of an undivided following—that there would be no hesitancy or holding back in the vote of the Republican party membership for measures effacing the Southern states governments, with their reconstruction under martial law and negro suffrage. This was now perceived by the thoughtful and discerning to be inevitable. While the radicals were emboldened to push forward with their policy, the virility of the President's supporters weakened and waned. In its issue of November 12th, the Chicago *Times,* the leading Democratic paper of the West, threw up the sponge. Its article is quoted from:

> What next? Can the Democratic party succeed until the negro question shall be gotten out of the way? It can not! What next? Is not negro suffrage inevitable, and is not the quickest way to get the negro question out of the way, to at once concede to the suffrage, making issue only on the degree to which it shall be conceded? We know that many Democrats have not reached this advanced view of the case, and that such still feel greatly inclined to revolt at the proposition of negro suffrage in any degree, but let us tell them that it is always wise to accept the inevitable when the inevitable comes. Negro suffrage, we say, is inevitable, and whether it shall be qualified or universal depends upon the promptness or otherwise with which the Democratic party shall move with reference to it. The South will speedily yield qualified negro suffrage upon the motion of the Democratic party; because if for no other reason she will soon see if she does not already see, that if she does not yield it she will be ultimately compelled to accept universal suffrage. But if the South be wise it will not wait on this suffrage question, even for the motion of the Democratic party. If it be wise, it will lose no time in putting in motion the necessary machinery by which will at the same time save itself from humiliation, preserve its own self-respect, rid the country of the most vexatious questions that ever distracted any country, kill the worst political party that ever existed on the globe, and put the Union in the way of speedy restoration. This machinery consists, of course, in Conventions to revise the State Constitutions.

The *Herald* and the *Times*, of New York, conservatives, coincided with the Chicago *Times* in urging the South to ratify the 14th amendment, and thus secure admission to the Union. The *Herald* is quoted from:

> "The true policy, therefore, of the Northern Democrats is to urge the excluded Southern States to accept the Constitutional Amendment and come into Congress, so as to command the House of Representatives in the regular way. This is certainly the only policy of safety to the South, whatever may be the course henceforth of the Northern Democracy."

The tone and the counsels of these papers simply meant that the Northern Democrats were beaten, and deadly tired of the

Southern burden. But after the election and the interpretation of its meaning by the victors, there was no excuse for their assumption that adoption of the 14th amendment would open the door of congress to our senators and representatives—be accepted as a finality of reconstruction. Replying to their assurances of readmission and restoration on that condition, the New York *Independent* took issue with them, as follows: "God forbid. No leading Republican in congress means to admit the ten seceding states simply on the adoption of that amendment. Negro suffrage is a sine qua non." The New York *World*, Democrat, entertained no such delusion as the other anti-Radical papers quoted, pretended to. It said:

> "The Radical demand on the South is this: Reject the amendments and we keep you out of the Union. Adopt them and we do not let you in." Declaring that the appeal to the people had been lost—that "the passions of the war had not yet sufficiently subsided for them to judge with candor," it thus counseled the President and the South: "It was his duty to remonstrate, but, having appealed to the people in vain, why should he sharpen acrimony by further action. The elections, by practically depriving him of his veto, have relieved him of all responsibility for the actions of Congress. While he holds fast to his previous views, he will serve no purpose by an animated and aggressive presentation of them.—Candid co-operation with Congress on neutral questions, and a dignified abstinence from pushing a controversy in which he is powerless, is the course which President Johnson will doubtless consider it wise to adopt."
>
> Looking forward to its permanent interests the South has far more to gain by preserving the Constitution in its entireness than by a minority representation in Congress. A Congressional minority can carry no measure; it can interpose no effectual protection. The South even with an unreduced representation, would be powerless to prevent the passage of any law hostile to Southern interests. The only protection remaining to minorities is the Constitution. It is vital to the preservation of their rights that the Constitution shall not become the sport of mere majorities to be moulded into any shape they please. Let the fatal precedent be set that a majority of the States may dictate amendments and control their adoption, and the last barrier is broken down against the oppression of minorities. We advise the Southern States not to relinquish their only remaining safeguard.

A reduced representation cannot prevent the passage of hostile laws; but while the Constitution remains unaltered, such laws must be confined within their narrow limits, or the courts will set them aside. To exchange this solid advantage for a reduced and unavailing representation would be to perpetuate a great folly to enable a few ambitious men to draw salaries as members of Congress. Better no representation with the protection of the constitution, than no protection at all. A congressional minority is no obstacle to oppressive laws; but, until the courts become corrupt, the unamended constitution is.

If we might take it upon us to advise our southern fellow-citizens, we would counsel them to reject the proposed amendment; to yield quiet obedience to all constitutional laws; to maintain order; to protect and encourage freedmen by equal laws, and to abstain as carefully from agitating questions of federal policies as if they had no concern in them. Their only hope of redress is in northern justice. When it becomes evident that they are determined to await this with dignified reserve; that they will neither humiliate themselves nor disturb the peace of the country; that they will furnish no food to agitation, but quietly demean themselves as law-abiding citizens, and patiently await the result; and that nothing will shake their resolution not to be parties to their further humiliation, the radicals will be embarrassed and nonplussed.

At this period and for many years afterward the most influential and numerously read paper in the West was the Chicago *Tribune.* It was chief organ of the radical wing of the Republican party, now supreme in prescribing the Southern policy and in legislation to carry it out. Its comment on the result of the election, published the day after its returns were known, was void of pretense and delusions. As it was strictly fulfilled in the reconstruction laws of the ensuing session of congress, it is quoted as that which deserves a place in all history of the period:

The recent elections have wonderfully cleared the political atmosphere. They have pointed out a line of procedure which we hope to see promptly followed out in the coming session. In the first place Congress should assert its whole right to adjust these questions, by setting aside the illegal Governments now in existence and put into operation by the President.

In the second place, it should make treason odious by asserting the full power of the Government over the life, property and franchise of traitors, and over the very territory of insurrectionary States, which, by persistent rebellion, have forfeited their rights under the Constitution; and by teaching the South that for whatever leniency they receive they are solely indebted to the mercy and forbearance of the Government, and can demand absolutely nothing as a right. It is not necessary to shed blood, or even to enforce confiscation, in order to assert and vindicate these principles so vital to the Republic. No less important has it become to proclaim the right of the loyal men of the South, without distinction of color, not only to the protection of equal laws, but to a participation in the elective franchise in the formation of new Governments. All this may be accomplished by calling elections for Constitutional Conventions in the various unreconstructed States, and prescribing the qualifications of voters in such elections, as Congress has the undoubted right to do. All men of lawful age, white or black, should be invited to participate in these elections, and their right to participate should be maintained by force if necessary. The delegates so chosen, meeting in convention, would form constitutions to be submitted to the people of their respective States for ratification or rejection, and these constitutions would, of course, fix the qualifications of the electors. Governments would be formed under these constitutions precisely as in other territories, and it would then be for congress to pass upon these governments and to recognize them if found to be republican in form.

This plan of reconstruction will remove all difficulties that have heretofore stood in the way. It would prove speedy, safe and complete. It would be distasteful to the traitors and rebels; but that is not a reason why great and necessary public measures should be postponed. It would place the power at once and permanently in the hands of the majority of the people of the South, and render future secession and state insurrections impossible. It would stigmatize rebellion as a crime; it would vindicate the power of the republic to save itself from dissolution; it would proclaim to the world that loyalty to the government is the path to promotion and power. More than all, it would establish the government on the solid basis of justice; and thus the blood and treasure the nation has poured out in her conflict with rebellion, would be made available to the cause of freedom and civilization. That the power to adopt these measures resides with the representatives of the people, there can be no doubt. That the people would approve and applaud the exercise of this power, was made apparent in the recent elections.

A leading Radical member of the House of Representatives, George S. Boutwell, of Massachusetts, in a lecture made the following significant declaration:

> "All the interests of business are centered in the freedmen and elevation of these people. Coming next to a discussion of the policy which the fortieth congress should adopt, Mr. Boutwell said two great ends must be brought about—first, universal suffrage. One way of obtaining this was by holding the states as they now are until, by their own motion, they do justice to the colored people. Congress may abolish the governments of these states and establish territorial governments, and declare who shall and who shall not vote. This is most likely the result to which the action of congress now tends—the destruction of these false governments, and the formation of constitutional governments."

Among the leaders of the South haters were those who looked even farther than bayonet rule and negro suffrage. Led by Stevens, Wade, Boutwell, Banks and Wendell Phillips, there was a hue and cry for impeachment of the President, a revolution in fact. In a speech, November 5th, General Ben Butler, in Boston, had an "immense" audience. He reiterated his charges against the President and ridiculed the opinion that his impeachment would stir up anarchy and civil war. The Senate, he remarked, could call upon the army and the militia, and its call would be promptly answered. No more disturbance would be created than would arise from the trial of a drunken sailor by a police judge.

The year had opened under a cloud of unrest and despondency. Sorrow and affliction stalked through the land over which hung so heavily destruction and losses of war. Almost every man was weighed down by the mill stone of debt. Many were forced into bankruptcy. And now with the sands of the year almost run out, the burdens with which it opened were increased by crop disasters and the recognition that an unsympathetic and tyrannous southern policy was determined upon. The ominous future revealed in the light of the election returns was faced with a full apprehension of the hard fate the stored up revenges threatened. Some wavered and some migrated from the state, but the people generally almost unanimously awaited the forbidding future with resolute determination not to yield up or forsake right principles. The following from The Woodville *Republican* of December 1st, voiced the sentiment which was lodged in the popular breast:

> "Let our demeanor be as it has been heretofore, calm and dignified. All our acts should be marked by moderation and resolution. We must not despair. We can still bide our time. Reaction, a political revolution, must come in time from some source. It is true that we are much cast down; we can no longer entertain that confidence in the President's protecting power which so long upheld us; we can no more, for the present, indulge a hope in popular election, for a radical congress surely has the power of legislation for three years. This is discouraging but we have learned lessons of patience and endurance that we can certainly practice in these trying times. Let us not forget the four years, towering above the past, monuments commemorative of heroic deeds, with their proud memories, or the spirits who from another land look to us for a preservation of those principles and of that reputation for patriotic fortitude which they died in maintaining."

The Vicksburg *Herald* replied with bitter feeling, to the counsel of expediency and subservience; to the advice of Northern Democrats and conservatives that the South bow her neck to the Radical yoke:

> "The South is now asked to adopt a constitutional amendment as a pledge of future 'loyalty,' when it is unblushingly avowed that even then they do not intend to keep faith with us. One of the provisions of this amendment, forever excludes from office, every man in the South who had taken an oath to the United States government, and then resigned his office to aid his state and section.
>
> "The Democratic party cannot live, except by giving up a right policy, which has been unsuccessful, and adopting a policy which is 'wholly wrong,' but which has been triumphant Well, then, let the Democratic party die. Let it sink to the lowest depths of perdition. Let mountains fall upon it, and hide it forever from the gaze of men. Let every trace of remembrance of its former grandeur and power be obliterated. It cannot live but by becoming baser than its opponents. Then let it die and be buried. The truth is, the right policy was defeated in the North by the Democratic party and that cause alone. Had not party organization and love of the 'loaves and fishes' controlled the Northern Democracy, there could have been union of conservatism against

radicalism, and the President's policy would have been sustained, and the country saved."

As the day approached for congress to assemble the tensity of the situation grew. Public expectancy and excitement was kept at high pitch by reports and calls of meetings by the inflammatory utterances and editorials published in the organs of radicalism. Forney's *Chronicle,* the mouthpiece of the Jacobin section, published a call which the National *Intelligencer* stated, "On information from reliable sources looked to the establishment in the capitol en permanence of an organized force subject to the orders of Congress." It is reproduced as a true reflection of the desperate courses in contemplation.

"Being profoundly impressed with the importance of the struggle through which the country is passing, and of the necessity of preserving the results gained by its triumphs in the field, and more recently at the polls, the undersigned, a committee appointed by the Soldiers' and Sailors' Union of Washington, D. C., do in their name earnestly invite their comrades, the loyal veterans of the republic, with all other friends of the great cause of Union and liberty, to meet in a national mass welcome and council to be held in this, the federal capital, on Saturday, December the 1st, proximo.

"We ask your presence to honor and assure protection to the loyal majority in the thirty-ninth congress, in whom we recognize faithful guardians of our assailed institutions and able supporters of the principles involved.

"Come in your might! By your presence show how sternly loyalty can rebuke treason. Prove thereby that the threats and insults of a treacherous executive against the legislative branch of the government cannot intimidate a free people. Here in the federal capital, must our great struggle culminate in wise and equitable legislation. Here, then, should we assemble to encourage and strengthen congress—to whose hands the constitution wisely entrusts the power—to such just action as *will make peace permanent and liberty universal.*

Evidently being made to realize they were traveling too fast, the meeting of the soldiers and sailors committee was called off. A meeting of negroes was held, however, under a "call for organizing, to go earnestly and actively to work to demonstrate that we know our rights and knowing, can maintain them." In an address by a number of radical leaders, among them Senator Harlan, they told the audience of blacks and whites "That there would be no difficulty in the passage of a law to frame impartial suffrage."

Like buzzards scenting their prey before its death, there was a gathering of loyal southerners in Chicago to inform a willing congress how to prepare the way for the coming of carpet baggers. They declared that "congress had the power to demolish the existing State governments, by declaring that no constitutional government has existed in the South since the passage of the secession ordinances, at which time, no matter what validity may be given to the act of secession, the constitutional governments of those States were lost. But while some may believe that this act of secession was illegal, and that the State governments are simply waiting to be manned by loyal men, no question can be raised but that the attempt of President Johnson to reinstate State governments was without the sanction of law, and his organizations are a nullity, and the duty of reinstating the State governments is thrown upon Congress, under the clause of the Constitution which provides that the United States shall guarantee a republican form of government to every State in this Union.

The class of men who voted for secession and abjured their allegiance to the United States became by these acts aliens, having thus decitizenized themselves by a voluntary act. They have no political rights, nor can they have until Congress removes this disability.

The President's pardon, if allowable before conviction, can only exempt from judicial punishment for treason. Expiation is not a crime to be pardoned, but a privilege, and when once accomplished by abjuration of citizenship, the status of allegiance is fixed and irrevisible until the naturalizing power, in some form, removes the disability. The status of alienage being fixed to the disability, to take, hold, and convey real estate without permission of the Government, also attaches. In speaking, therefore, of the South, reference can only be had temporarily thereunto, irrespective of color or condition, and any proposition that shall treat with rebels is antagonistic to the principles of republicanism, and must of necessity be treason.

These "loyal Southerners" were much more concerned in feathering their dirty nests with spoils, than about diction or logic. They looked only to selfish ends, reckless of the consequences of provoking guerrilla warfare in the South and a political revolt in the North. But congress knew that the iron could be driven in so far and no farther. Though some of the leaders would have gone as far as these wretches, the future scalawags and carpet baggers, counseled, the majority would not go to the extreme of driving the people of the South forth as aliens, and handing over their lands for the use of non-rebels and negroes.

Certain federal court decisions offered some amelioration at this period of southern conditions. The supreme court annulled a "test oath" enactment which imposed a retroactive affirmation of loyalty as a condition precedent to lawyers being allowed to practice in the United States Courts. Judge Hill of the Mississippi federal district, had ruled that it could not apply to members of the bar who had been admitted to practice prior to the passage of the act, but leaving it in force as to those admitted subsequently. The supreme court annulled it in toto.

Under Gen. Daniel E. Sickles' military rule bore heavily in the Carolinas. He overrode civil authority readily and ruthlessly, removing and appointing civil officers at will. Of one of his orders annulling a civil decision, in a civil case, Reynolds says in his "Reconstruction in South Carolina": "It is safe to say that no act of any military commander ever gave greater offense." In one of his many military trials in South Carolina an old man, aged 80, was convicted of killing a negro. He was given a life sentence. A year later, in November, 1866, this case was taken on a writ of habeas corpus, before Associate Justice Nelson of the U. S. Supreme Court. He ruled that the trial was illegal—that Smith was 'entitled to the full enjoyment of all his constitutional rights and privileges"; and the prisoner was released. While not passing on the merits of the case, Justice Nelson remarked that "it was alleged the killing was in self defense." The court by which this citizen was tried and sentenced was presided over by Gen. Adelbert Ames, afterwards so well known in Mississippi.

About the same time another South Carolina military court sentence was annulled. Four citizens of the state had been tried in October, 1865, and convicted of murdering three Union soldiers. A death sentence was imposed and affirmed by Gen. Sickles. It was, by the President, committed to life imprisonment. Being confined to Fort Delaware, they were, in November, 1866, taken before U. S. Judge Hall, under a writ of habeas corpus. The prisoners were given their freedom, the Judge ruling that the trial, conviction and sentence by military court was null and void.

December 17th, 1866, the supreme court delivered the much more comprehensive and far-reaching decision in the case of Milligan, a citizen of Indiana, under death sentence by a military court. This was annulled as unconstitutional on the following grounds: "First, that civilians could not be tried by military tribunals, while the United States courts are recognized and in operation. 2, the military in the Southern states have, at present, no control over the civil authority. 3, congress has no power to grant jurisdiction to the military courts over the civil courts where these latter are in undisputed operation." The decision evoked bitter denunciations from the radical leaders. It was argued through the press that congress reconstruct the court, on partisan lines. "The late decision of the United States Supreme Court," said Thad Stevens, while urging the radical plan of reconstruction, "has rendered the immediate action of congress upon the question of establishing government in the rebel states absolutely indispensable. That decision, though in terms perhaps not so infamous as the Dred Scott decision, is yet far more dangerous and disastrous in its operation on the lives and liberties of loyal men of the country. The decision has taken away the protection of every loyal man, black or white, who resides there.

That decision has unsheathed the dagger and put it to the throat of every loyal man who dares to proclaim himself, now or hereafter, a loyal Union man. If that decision be true, then never were any men in such terrible perils as our loyal brethren in the South, white and black, whether originally residing there or not. Mr. Speaker, Congress must proceed at once to do something to protect those people from the barbarian horde who are daily murdering them, white and black, and putting into secret graves hundreds and thousands of the loyal colored people."

The decision was used most effectively as a goad on the radicals, for taking the South by the throat. In spite of contradiction of reason and evidence, the picture of the South drawn by Stevens was believed by the great majority in the North. Contributing to the mad craze that was carrying the nation onward on an evil course, Secretary of War Stanton said of the ruling: "It rendered the army in the South perfectly powerless." Conservatives were correspondingly rejoiced. The National *Intelligencer* said: "By the decision the Union was saved in the full integrity of its three grand divisions. The moral weight of the decision cannot be measured by any of the great questions which shook the republic in days gone by. But more than all the unanimity of the whole bench on all that was vital in the great question, is without previous example." This glowing comment failed to note two ominous features of the decision. 1st. The sinister injection of the words "at present" in the second point, was by all the bench. And 2nd, the court divided on the third point and this was proved to be very vital. It is not too much to charge that the supreme court here lost, instead of "saved the Union in its full integrity." While congress was checked and enraged, it was enlightened and emboldened. The decision while pointing out obstacles hinted a way for overriding them by legislation.

Advantage was taken of the break-up of his followers, of their avowed and demonstrated readiness to surrender to the radicals at discretion, to attempt and tempt the president's fortitude. How he was approached is revealed in a Washington letter to The New York *Commercial* of Nov. 19th, which is quoted:

"It it confidently expected that reconstruction would be amicably settled early in the approaching session. Negotiations for that purpose are in progress between the President and leading politicans of all parties North and South, the basis of settlement to be universal suffrage and general amnesty. The President partially accedes to this proposition, but insists upon constitutional grounds that the question of suffrage properly belongs to the states, and is, so far, averse to any action of congress on that subject. The telegram also states that if assurances can be obtained from Southern leaders of the speedy adoption of universal suffrage, the President will waive his objections."

Failing to induce him, and to excuse their own desperate and hate inspired course, Radical chroniclers have sought to create the impression that President Johnson was "spoiling for fight;" as Mr. Blaine, the falsest of all false witnesses says, he was known to be in a state of "great indignation." In reason, and upon all the available grounds of inference, the overwhelming defeat at the polls of his policy, and the desertion of so many of his supporters, had deprived Mr. Johnson of his native aggressiveness. He would gladly have come to an agreement with those from whom he had parted. But the President was a Southern Democrat and a full sharer in Southern race sentiment. His belief that the suffrage question belonged to the states was fixed and fundamental. In this view it is assumed that if he ever agreed to waive his objection to universal suffrage, it was with the knowledge that the condition he attached to his waiver would never be met—that "Southern leaders," and Southern people, would never consent to "universal suffrage." Though all the evidence shows that Northern Democrats and conservative Republicans had abandoned hope of having the 14th amendment accepted by the Radicals as a finality. And this before a single Southern state had turned it down. Talk of an agreement between the President and the Radicals was heard no more, after the session opened—Thad Stevens, the unquestioned leader, reached the capital declaring for "a more radical policy than ever."

The provocation, or the pretext, bottomed on craft, and the temper under which congress met and shaped its Southern policy, is thus stated by S. S. Cox—Union, Disunion and Reconstruction—page 375–6: "Loud complaints were soon heard of the tyranny and cruelty exercised on the blacks. Congress was in no mood to listen to such complaints with indifference. Northern and Congressional sentiment was rapidly developing in favor of a more radical treatment of the South. It began to be believed that nothing short of an unqualified grant of suffrage to the negroes would secure them peace, with justice. It was also thought that the predominance of the Republican party would be assured by such a grant."

The effect upon "Northern and congressional sentiment"—bent on such a policy toward the South—of a message written with the quill of a dove, was neither convincing nor soothing. The radical leaders were all the more exasperated that the tone, and temper of the President was calculated to disarm wrath, gave no cause for quarrel. Nor was there aught in the matter of the message apart from the fact that Mr. Johnson was of the "same opinion still," upon the question of the readmission of the Southern states to the Union, to inflame the settlement of the issue. Mr. Johnson announced the complete acceptance by the South of the verdict of the war—emancipation and reunion. "In all the states," he said, "civil authority has superseded the coercion of arms—the animosities of war are yielding to the kindly effects of unrestricted social and commercial intercourse." The "one thing that yet remained to be done before the work of restoration was completed was admission to congress of the senators and representatives of the states whose people had rebelled." He expressed deep regret in this omission, and impressively urged their admission on congress. He said:

> "I deem it a subject of profound regret, that congress has thus far failed to admit to seats, loyal senators and representatives from other states, whose inhabitants had engaged in the rebellion. Ten states, more than one-fourth of the whole number, remain without representation. The seats of fifty members in the house of representatives, and of twenty members in the senate, are yet vacant, not by their own consent, not by a mature reflection; but the refusal of congress to accept their credentials. Their admission it is believed would have accomplished much toward the removal and strengthening of our relations as one people, and remove serious cause for discontent on the part of the inhabitants of these states. It would have accorded with the great principle

enunciated in the declaration of American independence. That no people ought to bear the burden of taxation and yet be denied the right of representation; that each state shall have at least one representative; and that no state shall be deprived of its equal suffrage in the senate. These provisions were intended to secure to every state, and to the people of every state, that right of representation in each house of congress, and so important was it deemed by the framers of the constitution that equality of the states in the senate should be preserved, that not even by an amendment of the constitution can any state without its consent, be denied a voice in that branch of the national legislature."

The president reminded congress that the action he had taken looking to the restoration of the southern states to the union, his construction of a southern policy, was entirely in line with the declarations of congress; "at the very commencement of the rebellion" each house had declared with a unanimity as remarkable as it was significant that "the war was not waged for a war of conquest or for subjugation nor overthrowing, or interfering with the rights and established institutions of those states." And that "the action of the executive department of the government has been equally definite and uniform, and the purpose of the war was specifically stated in the proclamation issued by my predecessor on the 22nd day of Sept., 1862. It was then solemnly proclaimed and declared that "hereafter as heretofore, war would be prosecuted for the object of practically restoring the constitutional relations between the United States, and each of the states, and the people thereof, in which states that relation is, or may be suspended or disturbed."

Entitled as these reminders were to the gravest consideration, they were idle words addressed to a radical congress and their northern constituency, determined and committed upon a southern policy of revenge and degradation. The keynote of negro suffrage, and all which that abomination implied, was touched upon by each chaplain of the two houses in the prayers for which the session opened. The Senate was no sooner convened that a motion was made by Senator Sumner, of Massachusetts, for the passage of the bill introduced in the previous session for conferring suffrage upon the negroes of the District of Columbia. The introduction of this resolution was closely followed by the following communication:

Washington City, D. C.,
Mayor's Office, City Hall,
Jan. 6th, 1866.

Sir: I have the honor in compliance with an act of the councils of this city, approved December 16th, 1865, to transmit through you to the senate of the United States, the result of the election held on Thursday, 21st, December, "to ascertain the opinion of the people of Washington on the question of negro suffrage" at which the vote was 6,626, segregated, as follows:

Against negro suffrage	6, 591
For negro suffrage	35
Majority against negro suffrage	6, 556

The only effect of this proof of the inveterate and unanimous opposition by the white people of Washington to negro suffrage was to subject them to torrents of invective. After extended debate, the Sumner bill was enacted over the president's veto; the ice was broken, the monstrous plunge into the extreme of negro suffrage with all of its entail of ills—which Carlyle called "shooting Niagara"—was taken. The tree soon proved its evil nature by a fruitage of violence and rioting. Its repeal was forced upon a radical congress. But not daring to make open acknowledgment of their crime on statesmanship, the vote was taken from the district indiscriminately, the whites gladly sacrificing their privilege to be rid of the negro in politics.

The district suffrage resolution was closely followed by a motion from Senator Chandler, of Michigan, to concur in the house repeal, at the previous session of section 13 of an act "to suppress insurrection, to punish treason and rebellion, to secure the confiscation of the property of rebels." The effect of such repeal would be to take from the president the power to grant pardons and amnesty to persons who were under the ban of the law as he deemed right.

In asking the reference of the Chandler resolution to the proper committee, Senator Trumbull, of Illinois, said that "The senator from Michigan was no more zealous than he was for an efficient confiscation bill." A shoal of resolutions and motions of like ill omen followed; for establishing territorial government in the southern states; for disfranchisement of confederates in the District of Columbia; for disbanding southern militia companies; to establish martial law in every district and county in the south, declaring that states not admitted in the union at the time of the presidential election should not be represented in the electoral college; that no names of congressmen should be entered on the roll of the fortieth congress from states not represented in the thirty-ninth. Other resolutions were offered, extreme to a point of absurdity. But all were straws, showing the set of the wind, the gathering of the storm about to burst over the south.

There was a wave of petitions from "union" men in the south with recitations of outrages, designed to spur congress into overthrowing the provisional government. Names of signers wherever specific charges were alleged, were suppressed. The truth of these petitions as charged by Senator Davis of Kentucky was that "a number of radicals too insignificant to grasp the government of their states, just petitioned congress to put these states in commission, establish government by commissioners and make them the commissioners."

Upon a motion for consideration of the president's message, that part of it referring to the southern states, Mr. James G. Blaine, of Maine, formally opened the debate upon the reconstruction policy of his party. Certain passages of his speech are quoted:

"The popular elections of 1866 have decided that the lately rebellious states shall not be readmitted to the privilege of representation in congress on any less stringent condition than the adoption of the pending constitutional amendment; but those elections have not determined that the privileges of representation shall be given to those states as an immediate consequence of adopting the amendment * * * Had the southern states after the adjournment of congress, accepted the amendment promptly and in good faith, as a definite basis of adjustment, the loyal states would have indorsed it as such

> * * * The southern states, however, have not accepted the amendment as a basis of adjustment, but have, on the other hand, vehemently opposed it; every one of them that has thus far acted on the question, with the exception of Tennessee having defiantly rejected it." * * *

Mr. Blaine sought to inflame the public by epithet—resolute the South was, but the spirit of "defiance" had been chastened out of her people. The hideous plan for placing black heels on white necks being then popular, the paramount issue with his party, it was supported by Mr. Blaine. But the political foresight in which he was gifted caused distrust of the radical reconstruction designs—his gift revealed that it was destined to historic condemnation. With Jesuitical cunning he sought to fly the wrath to come by fixing a false responsiblity on the South. But after the manner of tricksters and time servers, Mr. Blaine was condemned out of his own mouth. His assertion that other conditions of readmission had been devised for the South because of her rejection of the 14th amendment was punctured in the succeeding passage of his speech, to-wit:

> "The people so far as I represent them, have plainly spoken in the late elections and the interpretation of their voice is not difficult. They have pronounced with unmistakable emphasis in favor of constitutional amendment with the superadded and indispensable prerequisite of manhood suffrage."

At the time Mr. Blaine's state had "spoken for the absolute civil and political equality of American citizens without regard to color, etc.," in September, no southern state had rejected or had had the opportunity of rejecting the 14th amendment. Nor had any, except Tennessee—whose case was wholly different—passed on it up to the time the November elections were held. In fact the opposition of the southern states was of immaterial effect—the amendment was ratified and incorporated in the constitution without their support. Then why the stir over the south's rejection? Was it maliciously designed to have the southern people incur for themselves and their posterity the reproach of basely voting for the third section which disfranchised their leaders? Mr. Blaine, however, was almost the only member of congress, to set up the claim that the southern states would have secured readmission to the union upon their adoption of the fourteenth amendment. Every radical leader, if not every radical, who spoke on this point, contradicted him. Mr. Grinell, in behalf of Iowa's 37,000 republican majority and the loyal press, said: "Not one of them ever held that they were bound to receive these states on the mere ratification of the constitutional amendment." Mr. Washburn, of Illinois, and other republicans, echoed this denial.

Mr. Spalding, Democrat, thus met the reproach against the south for rejecting the 14th amendment:

> "Mr. Speaker, I am satisfied that the opposition made in the Southern states to this amendment to the constitution arises, mainly, from the provision contained in the third section. I was informed not many days ago in the town of Petersburg, Va., where I went during the holidays to view some of the landmarks made conspicuous during the recent war—I was informed by some of the gentlemen residents there, that they wanted this difficulty settled. I said to them: "Here is the constitutional amendment and you repudiate it." They replied: "If you can put that constitutional amendment in force without our aid, then do it, and we will submit to it. We do not so much complain of the provision itself as that we are called into action to vote on it as a part of the constitution of the United States." Upon the hypothesis that their action on it only goes to show their submission to the terms we are trying to impose, they will permit the loyal states to make this a part of the constitution of the United States by a three-fourths vote, and then come in and express their acceptance of it."

While the reconstruction committee did not report the bill finally enacted—remanding the Southern states to military rule, dividing them into military districts—until later in the session, Mr. Thaddeus Stevens, the leading house member of the committee and the unchallenged radical leader over all, introduced a bill embracing negro suffrage, on the first day congress assembled after the holidays. In his remarks, which are quoted from, it will be seen what this all powerful and implacable leader thought of "inconsiderate and incautious republicans who should ever have supposed that the slight proposed constitutional amendment would satisfy," etc.

"Now, Mr. Speaker, unless congress proceeds at once to do something to protect those people from the barbarians who are daily murdering them; who are murdering the loyal whites daily and putting into secret graves, not only hundreds, but thousands of colored people of that country, unless congress proceeds at once to adopt some means for their protection, I ask you and every man who loves liberty whether we will not be liable to just censure of the world for our negligence or our cowardice, or our want of ability to do so.

"Now, sir, it is for these reasons that I insist on the passage of some such measure as this. This is a bill designed to enable loyal men, so far as I could discriminate them in these states, to form governments which shall be in loyal hands, that they may protect themselves from such outrages as I have mentioned. * * * Another good reason is, it would insure the ascendency of the Union party. Do you avow the party purpose? exclaims some horror stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendency of that party, depends the safety of this great nation. If impartial suffrage is included in the rebel states, then every one of them is sure to send a rebel delegation to congress, and cast a solid rebel electoral vote. They, with their kindred copperheads of the North, would always elect the President and control congress. * * * Congress insists on changing the basis of representation so as to put white voters on an equality in both sections, and that such change shall precede the admission of any state. I deny that there is any understanding, expressed or implied, that upon the adoption of the amendment by any state, that such state may be admitted (before the amendment becomes part of the constitution). Such a course would soon surrender the government into the hands of the rebels. Such a course would be senseless, inconsistent and illogical. Congress denies that any state lately in rebellion has any government or constitution known to the constitution of the United States, or which can be recognized as any part of the Union. How, then, can such a state adopt the amendment? To allow it would be yielding the whole question and admitting the unimpaired rights of the seceded states. I know of no republican who does not ridicule what Mr. Seward thought a cunning movement, in counting Virginia and other outlawed states among those which had adopted the constitutional amendment abolishing slavery. It is to be regretted that inconsiderate and incautious Republicans should ever have supposed that the slight amendments already proposed to the constitution, even when incorporated into that instrument, would satisfy the reform necessary for the security of the government. Unless the rebel states, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. I waive now the question of punishment, which if we are wise, will still be inflicted by moderate confiscations, both as a reproof and example. Having these States, as we all agree, entirely within the power of congress, it is our duty to take care that no injustice shall remain in their organic laws."

Here we have the plain truth of the terms on which the Southern states could re-enter the Union. There never was a day after congress met, in December, 1865, when the doors would have been opened on any less condition than negro suffrage. Mr. Stevens, who was honest to the core, who neither deluded himself nor held out delusions to the South, cared nothing for the South's rejection of the 14th amendment; on which Mr. Blaine seeks to pivot reconstruction history. On the day following, Mr. Stevens made reply to the remarks above quoted from Mr. Spalding, of Ohio.

"That resolution (By Mr. Spalding) was the entering wedge into the house of the sanction of the idea that when the proposed amendment to the constitution should be adopted the states now in rebellion would be admitted to their representation in this house. I knew that that doctrine has been announced * * * I knew it had been urged not only in Mr. Spalding's, but in other Ohio districts, and the people there had been taught the doctrine that the proposed constitutional amendment was the final action of congress in regard to the admission of these states. In my judgment a more pernicious heresy never was promulgated. * * * I put it to the house and the country, if that would not be the most pernicious action that any rebel sympathizer could propose in this body. * * * The language of the resolution contemplates the reception of senators and representatives from the rebellious states respectively upon the ratification by them of the constitutional amendment, distinctly inviting and legalizing the action of these states upon the amendment. Could anything more effectually stultify this body? * * * The adoption of the amendment has no bearing whatever on the reconstruction of these states."

No Republican challenged Mr. Stevens on this correction of a "pernicious doctrine"—Mr. Blaine simply tucking the lie his leader exposed up his sleeve to write it in his history indictment of the South.

As noted before, Mississippi had been blessed in military commanders who, as far as they could consistently with the national policy and laws, left the trial and punishment of criminals to the court authorities. This was especially true of Gen. Wood, under whom there had been no trials of citizens before military courts. How this course was appreciated by the people of the state will be read in the following:

MAJOR-GENERAL T. J. WOOD:

The undersigned, members of the grand jury of the Criminal Court of Warren county, for the November term, 1866, cannot adjourn without expressing their deep sense of your judicious and impartial course as commander of the Department of Mississippi. No interference by the military has prevented the discharge of our duty, or that of the civil officers; and we may be permitted to express the hope that the civil judiciary has at least shown itself competent to protect the innocent and punish the guilty, in the opinion of the military authorities.

Accept the assurance, general, of our highest consideration.

Saturday, Dec. 1st, 1866.

HENRY HAMMETT,
Foreman Grand Jury,

M. MURPHEY,
J. C. HARRIS,
N. V. LANE,
E. FOX,
GEO. SMITH,
FRED. C. KEIZER,
N. B. LANIER,
N. J. HALL,
WM. HAZARD,
JOSEPH BOTTO,
C. H. HILL,
J. W. MATTINGLY.

Vicksburg, Miss., Dec. 5th, 1866.

To Henry Hammett, Esq., Foreman; and M. Murphey and others, members of the Grand Jury of the Criminal Court of Warren county, for the November term, 1866:

GENTLEMEN: For the very kind and complimentary opinion of my military administration in this state, expressed in your card of the 1st inst., I beg you will accept my sincere and hearty thanks.

I am sure no class of citizens desire more sincerely to see an equal, fair and just administration of impartial laws through the regularly organized civil tribunals, without the intervention of military authority, than do the officers of our national military establishment.

Please accept, gentlemen, the assurance of my high consideration and kind wishes for each one of you singly, and the whole collectively.

I am, very respectfully,

Your obedient servant,
TH. J. WOOD,
Bvt. Maj. Gen., U. S. A.

An interesting item of proof of the "good feeling" at this period, to which Gen. Grant testified in his famous report of a tour of the South, was furnished in the proceedings of a meeting of the state editors in Vicksburg, in November, 1866. This meeting was held at the very time the Northern voters were voting out civil government in the lately rebellious states; under the influence of stories of a reign of negro murder in the South, and in Mississippi worst of all. The *Herald's* report of a banquet given the vistors, to which the military officers of the post were invited, is quoted from:

As Vicksburg was then a garrison post, and the headquarters of the state military district, the banquet was made a harmony demonstration.

Officers of the Federal troops stationed in the city, and ex-Confederate soldiers to use a then common phrase, met to "shake hands across the bloody chasm." Such a commingling of victors and vanquished only a year after the close of the war was accorded a special political significance, as the tide of radical proscriptions and persecutions of the Southern people was rising fast. Many of the chief citizens of Vicksburg were present as the hosts of the banquet. Captain C. A. Manlove, one of the oldest and most enterprising merchants of the city, presided at the head of the table, while Gen. T. J. Wood, commander of the troops in Mississippi, was seated on one side of him and the Rev. C. K. Marshall, a noted and eloquent Methodist minister, on the other. The company consisting of citizens of Vicksburg, editors and federal officers, were so seated at the table as to make the commingling of the late foes conspicuous. The fraternal feature of the convivial gathering was indicated by the following list of toasts and speakers:

"Our Country"—Ex-Senator Walker Brooke.

"Our State"—General W. H. McCardle.

"Our President"—Rev. C. K. Marshall.

"Our Governor"—J. M. Patridge.

"Our Army"—Gen. T. J. Wood.

"Our City"—Mayor E. W. Wallin.

"Yanks and Rebs—The Douglas and Hotspur Together Defy the World"—Col. J. A. Ellet, U. S. A., and Upton Young, ex-Confederate.

"The Conservative Party of the Country is the Fighting Men of Both Armies"—Gen. N. A. Dudley, commander of the post, Vicksburg.

While all of the speeches were worthy of the occasion, that of Gen. Dudley, a fine speaker, was accorded the greatest significance and received the highest applause. Both he and Gen. Wood, and in fact all of the officers and soldiers stationed in the state, were in full sympathy with our people. Gen. Wood's administration of his duties as military commander, in one of the most trying years in the life of the state, should be ever remembered with greatest approbation.

At the beginning of the year Gen. Wood was relieved from duties he had performed with so much credit to himself and the government. The common feeling upon his departure from the state may be read in the remarks below quoted from the Vicksburg *Herald*, of January 4th, 1867, which were echoed from many sources. As one of the few pleasing pages of the official history of the period, and as a faithful picture of the negro as he was before politically contaminated, General Wood's farewell order is also published:

Gen. T. J. Wood, commanding this department, has been relieved from duty, and given three months' leave of absence. He will be succeeded by Gen. A. C. Gillem, colonel of the 24th U. S. regular infantry, who has not yet arrived.

We cannot forbear to speak in praise of the course of Gen. Wood, during his residence among us. He has endeavored to make military rule fall as lightly as possible upon the people of our state, and he has the assurance of their appreciation and regard. Their best wishes will follow him for his future prosperity.

District of Mississippi,
Vicksburg, Miss., Jan. 9, 1867.

Address.

On being relieved from the command of the District of Mississippi and the charge of the Bureau of Refugees, Freedmen and Abandoned Lands in this state, and on the eve of his departure to another field of duty, the undersigned embraces the opportunity to express such acknowledgment as he deems pertinent to the occasion.

To his Excellency, the Governor of the state, to the higher executive and judicial officers, and to many private citizens, the undersigned expresses his obligations for the courtesy and respect which they have uniformly displayed toward him, as well in personal as in official intercourse.

To the colored people, over whose interests for a number of months past the undersigned has exercised a special guardianship, he returns his thanks for their unvarying kindness and respect. The undersigned cannot take leave of these people without expressing his warm commendation of their general good conduct, and their remarkable exhibition of industry, faithfulness, general sobriety, and anxious desire for the improvement of their race under peculiarly trying circumstances.

The year just closed has been attended by circumstances well calculated to try the virtue of the colored people. The general failure of the crops, and the consequent honest inability of many planters to pay the wages of labor, attended by an enhanced price of food, might readily have given rise, without much surprise, (such events happen in similar circumstances among the laboring population of other countries) to discontent, violence, and lawlessness among the colored people; but no such outrages have marred their conduct; on the contrary, they have displayed in a high degree a sense of their appreciation of all the obligations imposed by humanity and the social compact.

The undersigned witnessed a striking confirmation of this statement a few days since. During the night of the 23d ult., a terrible conflagration, laying in ruins nearly half of the business portion, raged for seven hours in this city. The undersigned observed with much gratification not unmixed with some surprise, the activity and faithfulness with which hundreds of colored men labored through all those long and dreadful hours to stay the progress of the devouring element.

Such conduct on their part was not the result of any sordid motive for the fire did not occur in the part of the city occupied by the colored people; and it is more than probable that not one of the colored men who labored so faithfully to extinguish the flames during that awful night had a cent of pecuniary interest in the burnt district.

It is respectfully submitted that the conduct of the colored people generally in this state during the past year commends them not only to the justice, but to the generosity of the more fortunate race. The undersigned recommends most earnestly to the colored people to continue their efforts to improve their material and moral well-being by the practice of industry, sobriety, the religious duties, and by the creation of educational facilities for their children.

To the officers and soldiers who have served under the command of the undersigned he expresses his thanks for a zealous and intelligent performance of duty.

The officers of the administrative and immediate staff of the undersigned and all attaches, both military and civil, to his headquarters, have served him with a fidelity, intelligence, and devotion that won his profound gratitude, and made an impression on his heart that no mutation of fortune will ever obliterate. To them, one and all, he tenders his warmest thanks, and bids them a kindly good-bye.

Th. J. Wood,
Brevet Major General, U. S. A.

Under the lowering clouds of sectional proscription and persecution, a year of deepest economic depression and distress drew to its close. In a published letter telling the extent of the failure of the cotton crop in the river section, Dr. J. H. D. Bowmar, of Vicksburg, a statistician of note, reveals the conditions that prevailed. The letter stated that "counties of Bolivar, Issaquena and Washington and the parishes of Carroll, Madison, Tensas and Concordia in 1860 raised 450,000 bales of cotton, about a ninth of the South's total. In 1866 the crop of the same counties and parishes would not exceed 50,000 bales." While there was a great deal of moving from place to place by the negroes, they were not intractable to good counsels, and had worked as well or better than was expected. The delusion of living without labor, of loafing and tramping around the bureau camps—the confusion of the first stage of emancipation—had passed. And under the extreme destitution of the failure of an unprecedentedly bad season, they were quite ready to contract and go to work in 1867.

The even darker days ahead were not, fortunately for the state, foreseen by the people. While there was general realization of the congressional design, few indeed took in the dread reality of negro suffrage and carpet bag rapacity. Nothing but the fact of the harvest of the seed sown in 1866, the actual application of the policy to which congress and the election had doomed the South, could bring its dire, manifold and abiding evils home to the common understanding. This was well—had the future not been veiled, effort would have been paralyzed, hope would have fled.

Vicksburg, Miss., Jan. 11th, 1867.

General Orders No. 24.

In compliance with Special Orders No. 95, Headquarters Department of the Tennessee, dated December 17th, 1866, the undersigned assumes command of the District of Mississippi. All existing orders will continue in force until notified by competent authority.

A. C. GILLEM,
Col. 24th U. S. Infantry,
Bvt. Brig. Gen. U. S. Army.

The above order was notice to the people of Mississippi of a change in military rulers that meant much of bad or good for them, in the new year, which, they knew not. As prejudicial reports had preceded the coming of Gen. Gillem, it was a vast relief and blessing to realize, as time passed, that he was actuated by the same instincts of justice, fairness and consideration toward those over whom he ruled, as his predecessor, Gen. Wood. Thus guided, in his instructions and administration, he greatly alleviated conditions that needed alleviation sadly. How the immediate future was estimated at the beginning of the new year, is to be read in the following from the Vicksburg *Herald* of January 4, 1867:

> The people of the South have begun the new year with determinations as strong, but with hopes much weaker than twelve months since they entered upon the year just closed. To the

gloomy, sad and terrible lessons, the sufferings, the memories and the defeat of 1865, we have now to add the political trials, the spirit of overbearing and reckless fanaticism, the direful determination of conscious strength, to humiliate honorable helplessness, which have made the past year about as miserable as its predecessor. But we are determined neither to sit in helpless despondency amid the ruin of fortunes and the graves of loved and honored friends, nor to lose heart because of troubles and complications that seem about to sweep away the last vestige of political rights left from the fearful wreck. Still hopeful, self-reliant, our people are determined by well directed labors during the present year to restore plenty and comfort to many a needy household. Eschewing party politics for the more important matters of material prosperity, they will await their fate with quiet dignity and manly firmness, and if partisan blindness and sectional hate prove the tomb of national liberty, the epitaph which records the fact will contain no truthful reflection upon their conduct.

The new year has not been hailed in the South with unmeaning rejoicings. We have determined to cultivate the habit of economy and industry, and above all we are resolved to be true to ourselves, preserving our self-respect. In brighter days, when Providence shall reward our labors and trials with success, and returning affluences and prosperity shall have restored our section to its accustomed place, and Mississippi with honor, is acknowledged an equal with her sister states, we can then give a word of encouragement to our people—till then, all is dark.

Pursuant to the adjournment of the legislature in October, 1866, that body was reassembled on the third Monday of January. One of its first acts was to dispose of the fourteenth amendment, which had been referred at the previous session to the joint committee on state and federal relations. In recommending the rejection of the amendment that committee dealt with the question in an elaborate and exhaustive report. Omitting the argument, of the committee, the following forecast of the operations of the amendment is quoted:

"This amendment would disturb to a degree which no jurist can foresee, the established relations between the federal and the state courts. It would transfer to the former a supervisory, and appellate control over the latter, in a very large class of subjects that now belong to the exclusive cognizance of the state tribunals. It confers on congress large and undefined powers at the expense of the reserved rights of the state. It transfers to the United States a criminal and police regulation over the inhabitants of the states, touching matters purely domestic. It intervenes between the state governments and its inhabitants on the assumption that there is an alienation of interest and the sentiment between certain portions of the population. And such intervention is for the benefit of one class against the other. It tends to create distrust between the white and the black races, and perpetually to disturb and keep alive these evil passions. It invites appeal from the domestic to the federal judiciary, on questions arising on local law, on the predicate that the state courts will not deal with the parties with fairness or impartiality."

It cannot be claimed that a review of disturbances caused by this amendment in connection with its supplement, the fifteenth amendment, covering the almost half century since its adoption has not been verified. At the conclusion of its report the committee recommended the adoption of the joint resolution that "the state of Mississippi refuse to ratify the amendment to the constitution of the United States, proposed by congress as article 14." On the following day, Governor Humphreys submitted a message to the legislature as follows:

To the Senate and House of Representatives:

I received on the 3rd inst. from the Hon. William L. Sharkey, senator-elect to the congress of the United States, a telegram as follows: "Hold the legislature in session. I have something to communicate." Today I received a communication from him enclosing a proposition herewith transmitted. Senator Sharkey says: "I enclose propositions which have been prepared by a delegate from North Carolina, with great care. These propositions are to come from the states, and some of the leading men have said, if the South do not like the constitutional amendment, why don't they propose some plan of their own? I think they will be adopted by North Carolina, South Carolina and Arkansas; as all their delegates here approve them." I have no recommendation to make on these propositions, as I disapprove them entirely.

BENJ. G. HUMPHREYS.

Feb. 11th, 1867.

The "propositions" embraced a substitute for the fourteenth amendment, prepared in Washington with the indorsement, it was understood of President Johnson, and certain republicans of prominence who had not supported his reconstruction policies in the past. It eliminated the obnoxious sections, 3 and 5 of the article submitted by congress. It extended suffrage to all male citizens under a property and educational qualification with the proviso that no person who had exercised that privilege should be deprived of it. The legislature referred the Sharkey paper to the joint committee on state and federal relations. That committee at a subsequent day made the report upon it which is quoted from as follows:

"The communication of Hon. William L. Sharkey is in form of an amendment to the constitution to suggest by the legislature to congress, to be by it, submitted to the states. There is an anxious desire on the part of the people that there should be a speedy restoration of constitutional benefits. They are ready—as is this legislature—to give the most serious and earnest consideration to any just measure which proposes finally to settle the complication of state and federal relations. The adoption of the paper by a vote of the two houses of the legislature would not relieve us from embarrassment. It is not proposed by congress, where the power to refer amendments directly to the states resides. The several propositions included in that paper would be taken into most careful deliberation, if they came before the legislature in the shape of final disposition of the subject and would thereby bring stability and repose. The people of Mississippi had supposed that what was done in 1865, removed out of the way the obstructions which interposed between them and the federal government. The war had destroyed the status of slavery. The state convention accepted this as a fact and invested emancipation with the form of legality by a constitutional amendment. With a like formality they negatived and abandoned the claim of secession, which had been asserted in 1861, and with equal formality recognized, what was then begun and subsequently supported with arms, as insurrectionary in character. In these things the state conceded in the fullest manner, all that was claimed or supposed to be claimed of her by the national government, and as required by the exigencies.

These important events transpired during the recess of congress. Our people did not doubt that when that body convened, representatives would be promptly received in the house and the senate.

In these matters the state conformed her action to the views of the executive of the United States which was the only department of the government with which communication could then be had. It was not supposed or anticipated that there would be any conflict of opinion or policy between the executive and congress."

Here follows a recitation of declaration and proclamations of President Lincoln in evidence of his views and policies upon reconstruction. The committee report is quoted further.

"The essential features of President Lincoln's 'plan' may be thus analyzed and summed up:

1. The state governments must be inaugurated on the basis of the absolute freedom of the colored race.
2. Those alone who were electors by the law of the state, immediately prior to secession, could vote.
3. Such only of them as had given evidence of loyalty to the government and the constitution by taking the form of oath indicated.
4. A small number of the electors might initiate state governments, for the plain reason, however, that an opportunity did not offer to all to participate.
5. The exclusion of certain enumerated classes of persons from amnesty and of the oath.

At the date of this proclamation the war was flagrant. The national authority had not been completely restored over the entire territory of any one state. Therefore, it was provided, that a less number than a majority of the voters might be enabled to set up state governments.

In May, 1865, all opposition to the Federal government had been overcome. The state functionaries were removed, and there was no other government than such as was administered by military authority.

Up to this time congress had not prescribed the conditions on which the states should be restored."

There follows a statement of what had been required by the Federal States by President Johnson upon which the report stated:

"All this has been done.

"The Convention placed the State, as they sincerely believed, in accord and harmony with the United States. So far as that Convention had knowledge or information, it did everything that was claimed by the National Government.

The prompt action of the people shows how ready they were to accept and conform to the situation, and how solicitous they were for amicable relations."

The Committee in conclusion recommended the adoption of the following resolutions:

"Resolved by the Legislature of the State of Mississippi, That the congress be, and is hereby respectfully requested to declare and submit to this state, or the legislature thereof, a final plan for the adjustment of state and federal relations, by the terms whereof representation in congress will be restored, and all other constitution benefits assured.

Resolved, further, That the governor be, and he is hereby requested to communicate a copy of these resolutions to the president of the senate and the speaker of the house of representatives, with request that they will lay the same before their respective house of congress."

SIMRALL, Chairman.

The report records the sentiment and the attitude of the state of Mississippi upon the question of her re-admission to the Union, with a clear, logical and dignified statement of the objections to the plan and policy of congress. Though the report was lost upon congress, it stands in history as right and unanswerable—the protests and declarations it set forth have been vindicated by events that have at the same time eternally condemned the scheme the Republicans demanded and the legislature rejected.

An act amending the statutes in relation to Freedmen—enlarging their rights and privileges as defined by the legislature of 1865—was passed. The right expressed in the acts of that year for "acquiring, holding and disposing of real estate" was extended in respect of personal property. Certain restrictions upon the competency of negroes to testify in lawsuits, in the act of 1865, were removed and repealed, as well as all laws imposing discriminating punishment on negroes. It was prescribed in the language of the amendment that "they should be tried in the same courts, and by the same proceedings as are the whites and upon conviction shall be subject to the same pains, penalties, and punishments." The negro apprentice law of 1865 was repealed likewise and the chapter of the code in relation to white orphans, was made applicable alike to all "poor orphan children, or other children whose parents are unable to support them." Thus the "famous black code", which had already been largely annulled by military and freedmen's bureau authorities, was expunged from the statute books of the state. It was nevertheless, and for years to come the steady theme of radicals to sway the northern vote through sectional prejudice. Even certain southern critics have written condemnation of these laws, regardless of their immediate annullment, as stated, by the military and the closely following legislative repeal.

The 1866 crop failure supplementing the financial prostration consequent upon the war, was the occasion of an act that exercised a potential and not altogether wholesome influence upon agriculture and merchandising in the state for many years. Involved as they had been in the losses and ruin incident to cotton planting in 1866, the cotton factors and commission merchants of New Orleans and other cities, were no longer able to finance the cotton planters, as they had been in the past. At a time when credit—for procuring supplies for crop growing—was more essential than ever before it was not available. To provide for the emergency the legislature enacted what was commonly known as an agricultural lien law—a law creating a prior lien upon the crops to be grown securing debts contracted for advances of money and purchases of supplies received for cultivation of farms and plantations. This extraordinary statute served for a crisis that offered no other relief, while for many years after it opened the door wide to extortionate charges and extravagant living that absorbed and wasted plantation revenues and the hire of which the laborer was worthy.

The legislature received an earnest appeal from the trustees of the University at Oxford for the state to recognize its indebtedness to the institution by an appropriation sufficient for immediate and urgent necessities. In this memorial the trustees announced an auspicious opening of the University—an attendance that "showed an unexpected ability and disposition on the part of the people after the trial by fire through which they had passed, to secure for their children, the advantages of the higher branches of education."

The house finally disposed of the "bill regulating final process on judgments and decrees in certain cases"—the proposed "stay law" of debt collections. Passed over the veto of Gov. Humphreys at the 1865 session, it was annulled as unconstitutional by the courts. Passed in another form at the October term in 1866, and vetoed again, further action was deferred to the adjourned session; when it failed to obtain the necessary two-thirds vote. Thus was an issue that was made paramount by the distress that followed the war finally disposed of.

An act of much importance to the Delta counties was one providing for the liquidation of the debts and liabilities contracted or assumed by the ante-bellum board of levee commissioners. For that purpose an acreage tax was imposed on all of the lands of the Delta—5 cents per acre for the front and 3 cents for the back counties or parts of counties. The debt as finally computed was about a million dollars, which represented levee work largely wasted away during the war. It was a heavy load to be superimposed upon the lands of discouraged, impoverished and bankrupt tax payers. Unable to bear the tax, great bodies of lands were forfeited to the levee board and the state. But in time the bonds, representing the debts and liabilities, and hundreds of thousands of dollars more of graft that accrued in administration under carpet bag rule, were liquidated.

A bill for the relief of railroads in this State and their creditors, passed the House with only fifteen opposing votes, and the Senate was without opposition. Each road was authorized to issue change notes with which to liquidate their present indebtedness and repair their several roads. In absorbing the existing indebtedness, the old change notes included, a scaling principle was established—thus taking up or paying out at what Confederate money was worth at the date of the contract. The tax on passengers was suspended with marked unanimity.

Acts were passed appropriating money for purchase of artificial legs for ex-Confederate soldiers; and for paying counsel for the defense of Jefferson Davis. All soldiers who may have committed crimes against the laws of the state while in the Federal, Confederate or state service, during the war between the Confederate and the United States, were pardoned by act of the legislature.

After providing as best it could revenues for defraying the expenses of government of the state and her institutions, the legislature adjourned February 21st, 1867; not to be reconvened until the assemblage January, 1870, of one elected under the constitution framed by the "black and tan" convention.

Reassembled after the holidays, congress resumed consideration and discussion of the Southern condition with unabated acrimony and intolerance. On the first day of the session, by a party vote, the District of Columbia negro suffrage bill was passed over the executive veto in the house. The house on the following day adopted the Ashley resolution for the impeachment of the President, by more than a two-thirds vote. While the attempt which was revolutionary in design, failed, it was incorporated with vigor as the shadow of coming events. To illustrate how it was regarded in public opinion, two of the leading papers of the nation are quoted:

The New York *Herald* says:

> No preordained event in human affairs is more certain to come to pass than the impeachment and removal of President Johnson from office. This thing will be done because it has become a necessity to the consummation of this revolution. Congress has no alternative when the suspension of its authority over the rebel states for two years yet to come is morally certain under President Johnson. The present house will impeach. The senate, after March 4th, will elect Fessenden as presiding officer—will then arraign and suspend the President, and Fessenden at once take his place.

The New York *World* says:

> "The prospects of the country have never, even during the darkest periods of the war, seemed so alarming as at present. From well informed sources in Washington, we receive intelligence which confirms our opinion that the radicals are strenuously bent on impeachment; and the result can be nothing less than a hideous civil war in which men will be eager to cut the throats of their nearest neighbors. It will be no such war as that from which we have emerged, in which the combatants were separated by geographical lines. There is no part of the country in which

multitudes of the best citizens do not consider the cause of the President as that of the constitution.

For the purpose of circumventing and nullifying the recent Supreme Court decision declaring the test oath required of lawyers practicing before United States courts unconstitutional, the house judicary committee reported a bill declaring as a court rule that persons guilty of treason, murder, burglary, or engaging in the rebellion, were prohibited from practice in said courts. In effect such a law would have given Northern lawyers the exclusive privilege of practicing in the Southern Federal courts. Such manifestation of South hate was too much for the senate even, and the bill failed to pass that body. Other bills were introduced for forcing the Supreme Court to sustain partisan measures regardless of honest construction.

In the previous session, bills had been passed for the admission of the territories of Nebraska and Colorado to statehood; but failed for lack of the executive approval. In the reintroduction of the Nebraska bill the debate was dominated by a provision for negro suffrage. Radical speakers made a show of consistency in this case, with the bill then being incubated by the reconstruction committee for the Southern States. As the number of negroes in these territories was negligible this show of principle was mere pretense. That the bills violated the sentiment of the two territories was evidenced at the identical time of the passage of the bills by the Colorado legislature, which enacted a law, over the Governor's veto, prohibiting negroes and mulattoes from serving on juries. The President vetoed the bills for admitting the two territories. Less than two-thirds of the senators voted to pass the Colorado bill over his veto, that state being notoriously lacking in the population required for a state. The Nebraska bill was passed with the following section:

SEC. 3. *And be it further enacted,* That this act shall go into effect with the fundamental and perpetual condition that within the said state of Nebraska, there shall be no abridgement or denial of the exercise of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the other fundamental condition that the legislature of said state, by a solemn act, shall declare the assent of said state to the said fundamental conditions, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof, the President, by proclamation, shall forthwith announce the fact; whereupon, said fundamental condition shall be held as a part of the organic law of the state."

After much debate, and strong opposition which the party whip was barely able to overcome, the "tenure of office" act was passed. According to Mr. Blaine there were "many misgivings among those who voted for it." He even went so far as to confess that the vindictive and revolutionary act to restrict the President's constitutional right of appointment and removals was "only the cause of subsequent humiliation to all who had taken part in its enactment." It was vetoed by the President as "in conflict with the constitution." This position was sustained by an exhaustive citation of decisions and precedents, which were wasted upon the members of the majority in congress. The act was destined to become famous, for the charges of its violation by the President, which figured conspicuously in his impeachment trial the following year.

The vindictive spirit in congress appeared in the Agricultural school bill, which was extended to the Southern states with the proviso that no ex-Confederate soldier should be a professor in any college sharing in the scrip distribution. This provision was stricken out in the senate. That body also struck out of the West Point appropriation bill a section that barred Southern cadets from that institution. The house provided that the cotton tax should cease after September 1st, 1867. The senate disagreeing to this it was agreed to reduce the tax 2 cents a pound. While congress was thus refusing to lift the hand of spoliation from the South, in the cities of Baltimore and New York Southern relief subscribers were trying to raise money to avert starvation in northern Mississippi and parts of Alabama, Georgia and South Carolina. The incongruities of the situation were thus satirized in the New York *Times:*

"We are sorry to learn that the benevolent and patriotic efforts of the Southern Relief Association to alleviate the distress prevailing in several of the Southern states, are not receiving the encouragement which they deserve. The cry for help comes up day by day, but the Northern people are chary of their contributions, and the demand upon the committee far exceeds the means at their disposal.

The Northern people are too busy with other Southern interests just now to give much attention to such commonplace matters as starvation and distress. We want the Southern people well under martial law; we want to make sure that all the negroes have the right to vote, and then we will inquire whether they are starving or not. Probably two hundred thousand will perish this year—blacks and whites indiscriminately—mainly in Northern Mississippi, Alabama, Georgia and in the back districts of South Carolina; but there will be a good many left, and it is very important that those who are left should be under martial law. It will not do to let starving men have the benefits of the writ of habeas corpus. Besides, while they are starving they can be managed more easily. If we feed them we should make them more insolent, and they might think it unreasonable in us to stick bayonets in them afterwards in order to make them sincerely sorry for their rebellion. The best way is now we have got them down, to keep them down. Starving will help bring them to a realizing sense of their condition and character. There's nothing injures a man's morals like feeding him when he is hungry. That's just the time you can do with him as you please."

Many resolutions embracing plans of reconstruction were introduced and referred to the joint committee of the two houses. On February 6th the committee reported its bill to the house through Chairman Stevens. It was predicated on the claims that "no loyal government or adequate protection for life or property existed in the rebel states." Upon introducing the bill in the house, Mr. Stevens explained that it provided the commander in chief of the army shall take charge of the five military districts into which the ten disorganized states were divided, through the district commanders respectively, who should in carrying out the provisions of the bill, "use the legal tribunals whenever he may deem them competent; but these tribunals are to be considered of no validity per se or no intrinsic form, of no force in consequence of their origin; the question being wholly within the power of the conqueror and to remain so until that conqueror shall presently supply their place with something else." This said the radical leader in conclusion "is the whole bill."

After a week of debate the house divided upon the bill as it came from the committee and an amendment offered by Mr. Blaine; the committee measure being adopted by a vote of 109 to 55. It was apparently singular that the Democrats voted with the majority, for which they were reproached by the so-called "moderates" who supported the Blaine amendment. But its only difference with the committee bill was in the manner of giving the medicine—the two were identical in the disfranchisement of whites and the enfranchisement of blacks. Democrats were probably influenced in their choice against the "Moderates," because promising bread, they gave them a stone.

Senate Republicans disagreeing on the same line as the house, a substitute offered by Senator Sherman was adopted. This was bitterly assailed in the house by Stevens and other extremists. As the session was within a few hours of its close, in fear, according to Mr. Blaine, of failing to enact anything, amendments were proposed on which the bill was passed. Its terms and spirit were reflected in the rejection by a solid party vote of an amendment offered by Senator Doolittle, for excepting from the disfranchised Confederates, those who had received executive pardon.

"If this bill," said the National *Intelligencer,* "is the best scheme this notorious committee has to offer for the restoration of fraternal feeling throughout a country lately torn by civil war, we shall have to record the melancholy fact that the race of statesmen is extinct. Will not our public men realize that the war is over—that the nation demands that its fierce passions shall be hushed—its dread machinery put aside? When the thunders of battle have ceased, and the soldiers confronting each other in deadly array have melted into citizens earnestly engaged in the arts of peace, shall the bayonet be still substituted for the sheriff's process, the judge be thrust under the foot of the general? No true born American wishes to govern his fellow countrymen by the mailed hand." Such appeals were vain in a passion heated period. In its despotic and virulent punishment of a whole people there is nothing in the history of English speaking people comparable to the reconstruction scheme of the Republican party. Omitting the 14th amendment which was incorporated in the bill, that instrument and a portion of the veto with which it met, are herewith published:

WHEREAS, No legal state governments or adequate protection for life or property now exist in the rebel states of Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Texas; and whereas, it is necessary that peace and good order should be enforced in said states until loyal and republican state governments can be legally established; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said rebel states shall be divided into military districts, and made subject to the miltary authority of the United States, as hereinafter described, and for that purpose Virginia shall constitute the first district; North and South Carolina the second district; Georgia, Alabama and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

SEC. 2. *And be it further enacted,* That it shall be the duty of the President to assign to the command of each of said districts an officer of the army not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SEC. 3. *And be it further enacted,* That it shall be the duty of each officer assigned as aforesaid to protect all persons in the rights of person and property, to suppress insurrection, disorder and violence, and to punish, or cause to be punished, all disturbers of the public peace, and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders; or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of state authority with the exercise of military authority under this act, shall be null and void.

SEC. 4. *And be it further enacted,* That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unnecessary punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district; and the laws and regulations for the government of the army shall not be affected by this act except in so far as they conflict with its provisions; *Provided,* That no sentence of death under this act shall be carried into effect without the approval of the President.

SEC. 5. *And be it further enacted,* That when the people of any of the said rebel states shall have formed a constitution of government in conformity with the constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said state twenty-one years old and upward, of whatever race or color, or previous condition, who have been resident in said state for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for election of delegates; and when said constitution shall be ratified by a majority of the persons voting on the question of ratification, who are qualified as electors for delegates, and when such constitution shall have been submitted to congress for examination and approval and congress shall have approved the same, and when said state, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the constitution of the United States, proposed by the thirty-ninth congress, and known as article fourteen, and when said article shall have become a part of the constitution of the United States, said state shall be declared entitled to representation in congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this bill shall be inoperative in said state: *Provided,* That no person excluded from the privilege of holding office by said proposed amendment to the constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel states, nor shall any such person vote for members of said convention.

SEC. 6. *And be it further enacted,* That until the people of said rebel states shall be by law admitted to representation in the congress of the United States, any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control or supersede the same; and in all elections to any office under said provisional government, all persons shall be entitled to vote, and none other, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

The following extracts are quoted from the President's veto message showing the scope of the act, and its character and purpose:

Washington, March 2nd, 1867.

To the House of Representatives:

I have examined the bill "to provide for more efficient government of the rebel states" with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the ten states therein named under the absolute domination of military rulers; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those states, no legal governments and no adequate protection for life or property, and asserts the necessity for enforcing peace and good order within their limits. Is this true as matter of fact?

* * * * * *

The bill, however, would seem to show upon its face that establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any state where certain events shall have happened. These events are, first, the selection of delegates to a state convention by an election at which negroes shall be allowed to vote; second, the formation of a state constitution by the convention so chosen; third, the insertion into the state constitution of a provision which will secure the right of voting at all elections to negroes, and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution for ratification to negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the state constitution to congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the federal constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other states to make it a part of the constitution of the United States. All these conditions must be fulfilled before the people of any of these states can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble, is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used not for the purpose of order or the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures, to which it is known that they were opposed, and upon which they have an undeniable right to exercise their own judgment.

* * * * * *

The ten states named in the bill are divided into five districts. Each such district and officer of the army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority as defined in the third section of the bill, are, "to protect all persons in their rights of person and property, to suppress insurrection and disorder and violence, and to punish, or cause to be punished all disturbers of the public peace, or criminals." The power thus given to the commanding officer over the people of each district is that of absolute monarch. His mere will is to take the place of all law. The law of the states is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of state authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way, as in his discretion may seem proper. It places at his disposal all the lands and goods in his district, and he may distribute them without let or hindrance, to whom he pleases. Not being bound by state law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private passions, in each case that arises. He is bound by no rules of evidence; there is, indeed, no provision by which he is required to take any evidence at all. Everything is a crime which he choose to call so, and all persons are condemned whom he pronounces guilty. He is not bound to keep any record, or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation or proof of probable cause. If he gives them a trial before he inflicts the punishment, he gives it of his grace and mercy and not because he is required to do so. Governments closely resembling that here proposed have been tried in Hungary and Poland, and the suffering endured by those people raised the sympathies of the entire world. It was tried in Ireland and though first tempered by principles of English law, it gave birth to cruelties so atrocious that they are never referred to without just indignation. * * * I take it to be clear under this bill that the military commander may condemn to death without even the form of a trial by a military commission."

The veto reached the house on Saturday evening, March the 2nd, with the expiration of the session so near as twelve on Monday the 4th. It was rushed through the house under a motion by Mr. Blaine to suspend the rules by a vote of 135 ayes to 48 noes. It was promptly concurred in by the senate by yeas 38 to noes 10. No effort was made to defeat the bill by obstruction, which could only have postponed it until the new congress which immediately assembled. Argument and appeal had been exhausted, the feeling of the opposition being most impressively voiced by Senator Doolittle in the following:-

"Never before in my life was there a time when my heart would go up and ask Almighty God to give me power to give utterance to the truth, as it goes up now. No such measures were ever before presented in an American Congress. What are they? Call them by what name you will, they are in substance a declaration of war against ten States of the Union. They are nothing more—they are nothing less. We know, Sir, that the rebellion has been suppressed. We know that every armed soldier, from the Potomac to the Rio Grande, has surrendered his arms and pledged anew his allegiance to the Constitution, the Union and the flag. We know that there is not one armed soldier against the republic throughout the whole of our vast domain. We know, sir, that in those ten States civil governments, in form, have been established by the voice of her people, and that with all the machinery of their governments they are in full operation. We know, sir, that peace has been declared by the authorities of this government, pursuant to acts of Congress conferring that authority. In all the States of this Union peace has come. But, sir, what do these bills propose? They propose to open a direct war on every form of civil government within these States. They propose to supersede and annul them all—to take from all the people of these States all voice in the power which is to govern them. The bayonet, and the bayonet alone, in the hands of the soldiers, is to be the law of the States. All resistence is to be overcome; and the States are to be taken possession of, and all civil institutions are to be subordinated to the bayonet. That is war."

Having provided a plan of reconstruction upon the basis of negro suffrage and the proscription of Southern leaders, the 39th congress adjourned, passing into history at 12 m. March 4th, 1867. At the same hour the 40th congress was convened in session under an act of the 39th, which is thus explained in Blaine's Twenty Years of Congress, page 293, second volume: "The contention between the President and congress had grown so violent, the mutual distrust had become so complete that the latter was unwilling to have its power suspended for the customary nine months between the 4th of March and 1st Monday of December." The new congress immediately addressed itself to the preparation and passing of a "supplementary" reconstruction act. In the original measure the time, rules and act of holding of registrations and elections—in which the negro was admitted to the suffrage—had been left in the officials of the existing state governments, under their military commanders respectively. In this respect the bill was "defective," according to Mr. Blaine, because, "from a variety of circumstances it had been passed under whip and spur." As perfected by the supplementary bill, the scheme was about as it would have been had the Blaine amendment to the original act been adopted. All of the operating machinery was supplied in the supplementary act directly through the military commanders, who were empowered to appoint the registration and election officials and order all the details leading up to an election not later than September 1st for delegates to state constitutional conventions. By one of its provisions these officials were required to "take and subscribe to the oath prescribed by the act of July 2nd, 1862." That oath barred all who had "borne arms against the United States, or given 'aid' etc., to persons engaged in armed hostility thereto." This was commonly and fitly known as the "iron clad oath," passed in time of war. Its design was to place the reconstrution machinery in the hands of aliens, renegades and negroes. No one who had not been a traitor to his state and his people was eligible to election or appointment to any office of honor or profit, large or small. In this supplementary act congress furthermore retained the power to pass upon the fairness and fullness of the elections provided, and to exercise final judgment upon the new constitution; whether or not in conformity with the reconstruction acts.

The bill supplementary to the reconstruction act of the preceding congress—which was commonly styled at the time, "the military act"—was passed March 19th and on the 23rd it was vetoed by the president. Having been proved futile for arresting the tide of radicalism which was threatening to overwhelm the southern states, the executive resistance had ceased to inspire hope. Apathy and despondency was more prevalent at this time than it had been during the struggle, sealed in defeat at the polls. The following extracts of the veto are quoted as a historic survey of the bill and the president's objections.

This supplemental bill superadds an oath, to be taken by every person before his name can be admitted upon the registration, that he has not been disfranchised for participation in any rebellion or civil war against the United States. It thus imposes upon every person the necessity and responsibility of deciding for himself, under the peril of punishment by a military commission if he makes a mistake, what makes disfranchisement by participation in rebellion and what amounts to such participation.

The fourth section of the bill provides that the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons. The only qualification stated for these officers is that they must be loyal; they may be persons in the military service, or civilian residents of the state, or strangers; yet these persons are to exercise most important duties, and are invested with unlimited discretion. They are to decide what names shall be placed upon the register, and from their decision there is to be no appeal; they are to superintend the elections and to decide all the questions which may arise; they are to have the custody of the ballots and to make return of the persons elected; whatever frauds or error they may commit must pass without redress. All that is left for the commanding general is to receive the returns, open the same, and ascertain who are chosen according to the return of the officers who conducted such elections.

By such means and with this sort of agency are the conventions of delegates to be constituted. As the delegates are to speak for the people, common justice would seem to require that they should have authority from the people themselves. No convention so constituted will, in any sense, represent the wishes of the inhabitants of the state; for under the all-embracing sections of these laws, by a construction which the uncertainty of the clause as to disfranchisement leaves open to the board of officers, the great body of the people may be excluded from the polls and from the opportunity of expressing their own wishes or voting for delegates who will faithfully reflect their sentiments.

I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give my approval to such an election law for any purpose and especially for the great purpose of framing the constitution of the state.

When I contemplate the millions of our fellow-citizens of the South with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement and white disfranchisement (it may be almost complete,) or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guarantees of our federal constitution and threatened with even worse wrongs, it seems to me their condition is the most deplorable to which any people can be reduced.

In common opinion the passage of the supplemental act over the president's veto was held to be the completion of the reconstruction scheme. The Republican leaders were more prescient. They foresaw that in operation, under the construction administration of a hostile executive, the machinery might prove defective. Hence, instead of adjourning the session, congress took a recess, contingently providing for a reassembling of the two houses in July.

The adjournment of congress with the publication of the reconstruction acts was followed in the South by a state of political confusion and consternation. Out of this came a babel of counsel. Some urged acceptance, affirmative or negative, of the "poisoned chalice, commended by an uneven handed justice to our lips." Others urged resistance to the limits of the law when the question of acceptance of the terms proposed by congress came up at the polls. Some declared for a test of the law in the courts. That policy was led by Judge, and ex-Governor, Sharkey, whose request for authority to file a bill of injunction in the name of the state against the enforcement of the act was granted by Governor Humphreys. The southern leader for acceptance of the construction policy was Governor Brown, of Georgia, the evil genius of the Confederacy. He lost no time in addressing the people, calling on them to put their necks in the yoke. This so commended him to the powers that be, that he was promptly lifted from the class of disqualified on motion of a leading republican senator. The acceptance plan seemed destined to win by an overwhelming majority of whites. The leading Confederate Generals, Beauregard, Hood, Longstreet, Hampton and others, joined the civilians of past prominence in urging it. Gen. Robert E. Lee was conspicuous in the agitation by reason of his firm refusal to be quoted. The state papers were crowded with signed communications urging reasons for acceptance as the least of evils. This course was urged with great persistence and ability by the Jackson *Clarion*, the leading paper in the state, edited by ex-Congressman Ethel Barksdale. A lengthy editorial concluded with the following submission of the case:

> Let us accept negro suffrage as an inevitable fact, not to be resented with impotent malice, nor to be treated with stolid indifference. If the new suffragan is unqualified for the important duties committed to him, it is the part of wisdom that they whose interests are involvel with his own, should strive to enlighten his understanding. We cannot be guiltless of any evil consequences which may flow from this last act of a remorseless and cruel party, if to avert them we fail to exhaust every effort we are capable of making.

The following from a great lawyer and patriotic citizen is chosen for incorporation in this sketch, as the most clear and cogent of all the symposium of counsellors. It was in reply to a call upon Judge W. P. Harris for guidance, from a number of his fellow citizens of Jackson:

JACKSON, March 12, 1867.

GENTLEMEN:—I proceed to reply briefly to your letter of the 8th inst., requesting my views of the course of action proper to be adopted in regard to the recent act of congress providing for the government of the Southern states.

It is to be observed that the act of congress does not leave either the extension of the right to suffrage or the disfranchisement of a certain class of the white citizens of the state to depend on our consent. Both these results are accomplished by the act and are not demanded of us as concessions. The civil government existing here is declared to be without authority, except to the extent that it may be permitted to exercise its functions as an instrument of administration, by the district commander. This precarious existence cannot be continued without a resort to elections and these elections must conform to the principles of the act as to qualifications for suffrage, and these qualifications involve the disfranchisement of a portion of the white citizens, and the extension of the right to vote to all others without regard to race or color. Therefore whether we consent or not, no civil government can be created or protracted here, without conforming to the principles of the act of congress in these respects. Negro suffrage, therefore, must be regarded as one of the conditions on which we are to have civil government here.

The reorganization of the state government under the provisions of the law will inevitably take place. If the white citizens of the state whose rights are still preserved to them, (and they comprise the great mass of our white population) should decline to co-operate in the measures which shall be taken to organize civil government here, their refusal to act will be a virtual surrender of the civil power into the hands of those who will surely employ it to perpetuate their power by further proscriptions. I cannot, after the most anxious consideration of the subject, perceive how any of the evils of this law can be averted by or how any good can possibly result from silent inaction on the part of those who still retain their political rights; on the contrary, it seems to me that such a course would be attended with the most injurious consequences. Even if it should be supposed (and the supposition is in my opinion wholly unwarranted) that, by refusing to recognize in any manner the authority of congress, we might delay or prevent the organization of civil government here, we must continue to live under a form of government the most odious and oppressive to which mankind have ever been subjected, and with all its severities aggravated to us by our attitude of sullen hostility to the will of congress.

As the propriety of seeking redress in the Supreme Court has been suggested in some quarters, I take the occasion to say, there is no power in the Supreme Court at the instance of the state to prevent the law from taking effect. I do not see how the state government can make a case for *judicial action,* which can only be invoked in controversies about property rights, or at least rights and questions, which are not purely political. The power of recognizing the existence of a state government has, by that court, been held to be a political, and not a judicial question—and to pertain to congress; and although a controversy may arise in which that court may be called on to decide the validity of some of the powers conferred on the miltary commanders, it is a matter of grave doubt whether it will ever venture to declare the political status of the existing government here, or any that may hereafter succeed it; and should the court venture hereafter to do so, its decision would not be respected, and it would have no power to enforce it.

With these views of our situation, and under the painful conviction that no favorable change can be reasonably looked for in the policy of the government at Washington, I think it is the duty of those who still retain their political right, to take an active part in all elections under the new order of things, and to give to the suffering people of the state the full weight of their influence in creating and controlling the government under which they are destined to live. I do not know where the power to call a state convention will be placed, as that matter is still under discussion in congress. When the call shall be made, it ought to be responded to by every white voter in the state

Respectfully, your obedient servant,

W. P. Harris.

Counsels of expediency fell in with the desponding temper of the times. The wish for peace and quiet was all-compelling. Their overwhelming defeat at the polls had taken all the fight out of the Northern Democrats. Newspaper appeals that the South stand on principle rang hollow. They wanted the Southern states to get back as a help to their restoration to power. The dream was a natural but vain one.

Judge Sharkey, eminent as lawyer and jurist, still possessed faith in the Supreme Court. In a published interview he thus combatted such view of judicial power as stated by Judge Harris:

> "Governor Sharkey regrets the supineness exhibited by many of the Southern states and leaders, asserting that in case such weakness becomes general the South is lost, and her citizens must forever surrender their manhood and self-respect. If there is aught of influence in him to prevent it, Mississippi shall not thus fold her arms and submit to be manacled and led captive into the outer darkness of such a political Egypt.
>
> "As to the merits of the question sought to be submitted to the court, Governor Sharkey entertains no doubt. The constitution, he declares, has left nothing for conjecture or mistake on the point involved. There can be but one result when entertained by the court. If he can get a hearing, if the court will but consent to exercise jurisdiction, he has no fears, no misgiving. The truth is immutable, and the provisions of the constitution are unmistakable. Hence there is no room for doubt, having all confidence in the court, when once before it."

The ordeal was a trying one and it was but natural that the more cautious or less resolute should shrink from it. Appalled by rumors and visions of severer inflictions to follow rejection, the sentiment for acceptance of the law which it seemed futile to resist grew stronger. Among the leaders, especially, wavering and counsels of expediency was to be noted. Their arguments addressed to the fears and despair of a conquered and a prostrate people were hard to resist. Out of the doubt and distrust there loomed up the concrete threat of confiscation. It was heralded abroad by the radical press that if the terms handed out on the bayonet were refused, congress would pass the Stevens confiscation measure, which proposed to portion out the land among the negroes and the Union soldiers. The following is from the New York *Tribune:*

> "It is very well understood that bills are in the course of preparation for early introduction into the next Congress, providing for a *sweeping confiscation of rebel property in the Southern States,* and for its distribution among the enfranchised slaves, for paying claims of loyal men for property destroyed during the war, and for giving farms to Northern soldiers who will settle in the South.

"Mr. Stevens has declared his purpose, 'God willing and he living,' to press such a measure as this upon congress, and General Banks in debate declared himself in favor of such distribution of Southern farms among Northern soldiers as the only effectual mode of reconstructing Southern society. It may safely be assumed that the whole body of Radicals in Congress will go for such a measure; and it is confidently expected that the rejection by the South of the new terms now proposed will create a fresh feeling of resentment which will give it popularity and strength throughout the North. The measure itself has elements of attraction for many classes, and is expected to secure the support of the soldiers in a body.

"It may be supposed that the Supreme Court will present a final barrier against the ultimate success of such a project. But it must be remembered that four members of that court out of nine would now, beyond all doubt, endorse such a measure, and that of the five who would oppose it, one, if not two, will probably never sit on the bench in consequence of extreme age and illness. A law was passed, moreover, at the last session, which declares that in case of the death of a Supreme Court Judge, the vacancy shall not be filled until the whole number of judges shall have been reduced by death or otherwise, to seven. The chances are, therefore, that within the next year the Supreme Court of the United States will be as thoroughly in the hands of the Radicals as Congress."

General Grant, in General Orders No. 10, published for the information and government of all concerned, the act to provide for the more efficient government of the rebel States, and concluded as follows:

"In pursuance of this act, the President directs that the following assignments be made:

"First District—The State of Virginia to be commanded by Brevet Major General J. M. Schofield, Headquarters, Richmond.

"Second District—Consisting of the States of North Carolina and South Carolina—To be commanded by Major General D. E. Sickles.—Headquarters, Columbia, South Carolina.

"Third District—Consisting of the States of Georgia, Florida and Alabama—To be commanded by Major General George H. Thomas. Headquarters, Montgomery, Alabama.

"Fourth District—Consisting of the States of Mississippi and Arkansas, to be commanded by Brevet Major General E. O. C Ord, with headquarters at Vicksburg.

"Fifth District—Consisting of the States of Louisiana and Texas, to be commanded by Major General P. H. Sheridan, with headquarters at New Orleans."

The appointment of the military governors of the five districts, was the first executive step under the law that was to carry home despair and disorder—sow more enduring seeds of demoralization and destruction in the South than four years of bloody war. Mississippi and Arkansas had been made the fourth military districts. Gen. E. O. C. Ord was named commander, with his headquarters at Vicksburg. He had won honor and distinction in the war and had risen to the command of an army corps. Gen. A. C. Gillem, who had succeeded Gen. Wood in command in Mississippi, was so continued under Gen. Ord. In the few weeks that intervened after the appointment of the district commanders and the supplemental act tightening the screws and supplying the details of the election to be held, time was afforded for close scrutiny and study of the scheme—time in which to discover defects, to see that all the wheels were greased for smooth running and thorough work. In the meanwhile the sword of Damocles hung suspended in plain view, that the victims might take in all of its revolting inflictions. Going far beyond the worst of apprehensions, tribulation and fear arose, threatening despair.

Vicksburg, Miss., March 26th, 1867.

GENERAL ORDERS NO. 1.

I. The undersigned having been appointed by the President to command the Fourth Military District, consisting of the States of Mississippi and Arkansas, hereby assumes command thereof.

II. Competent civil officers in this District are expected to arrest and punish all offenders against the law, so as to obviate, as far as possible, necessity for the exercise of military authority under the law of Congress, passed March 2d, 1867, creating Military Districts.

III. Such other orders as may become necessary to carry out the above named act, and an act supplementary thereto, will be duly published.

E. O. C. ORD,
Br'vt Maj. & Brig. Gen. U. S. A.

To allay the confusion and consternation that was oppressing the people, Gov. Humphreys, whose inflexible devotion to right principles was unshaken by shadows of impending calamities, issued a proclamation, April 6th, 1867, calling on the civil authorities to continue to perform their duties. He stated that while "the military bill declared the existing civil government to be provisional only, and in all respects subject to the paramount authority of the United States, at any time to abolish, modify, control or supersede the same, such civil government was recognized. And the civil authorities would be held to a strict accountability in the performance of their duties. He farther "advised and admonished all good citizens to sustain the civil authorities—to deal justly and indulgently with each other and in their political helplessness to devote themselves to pursuits of industries and the necessaries of life." This counsel was wise and timely. Unlike some others of his station Gov. Humphreys neither sought to avert disfavor by hurrying his state into adoption of the congressional plan, nor interposed a vain obstructiveness to the inevitable order of events.

Upon assuming command of his district, Gen. Ord set about acquainting himself with the situation he was ordered to deal with and control. It is no more than just to record that considering its most repugnant and perplexing nature, his orders were as far as possible divested of harsh or hostile execution. The assignment was an odious one at best for the true soldier.

Soon after taking charge of his district, he visited the state capitol and established an amicable and honorable modus vivendi with the provisional governor. He sought diligently and fairly to gather information concerning the affairs and feelings of the people of the state, the status of relations between the races. Having thus acquainted himself he made a report to the commander and chief of the army, Gen. Grant, from which the following is quoted:

"The extension of suffrage to freedmen has evidently aroused a sentiment of hostility to the colored race and to northern men in many parts of this district which did not exist before, and from information derived from ex-officers of the Union army, planting in the interior, I am convinced that a larger force than is now stationed in the states of my district to preserve order and organize conventions will be required hereafter to protect them, and to secure the freedmen in the use of the suffrage. In a majority of the counties of my district there are but very few men who can take the test oath, and these are not disposed to defy public opinion by accepting office unless supported by a military force afterward. The will of the colored people may be in favor of supporting loyal officeholders, but their intelligence is not now sufficient to enable them to combine for the execution of their will. All their combinations are now conducted by white men under the protection of the military. If this protection is withdrawn the white men now controlling would generally withdraw with it, and some of the Southern people, now exasperated at what they deem the freedmen's presumption, would not be gentle toward them; so that the presence of a larger military force will be required for some time to maintain the freedman in the possession of the right of suffrage."

This report which was adopted and incorporated in his report to the secretary of war by Gen. Grant, deserves place in all reconstruction history, as the unbiased testimony of an honest soldier, of the ground on which the fruits of negro enfranchisement was to be grown. It tells of the pre-existing amicable race relations, which were so quickly supplanted by "a sentiment of hostilty to the colored race and Northern men which did not exist before." Read between the lines, it testifies to the absolute unfitness of the negro to the exercise of full political privileges, and the partisan punitive design at the bottom of the congressional project. The facts of the condition convinced Gen. Ord of the predestined failure of the reconstruction law, unless enforced by the military. Obnoxious as such a reprehensible policy was to the United States troops, Gen. Ord was in the strict line of his duties in asking for a strong enough force, to anticipate and prevent violent resistance. He sought to carry out his order with as much consideration to the people of the state as was permitted to him. On April 15th, he issued an order noted herewith, in line of the proclamation of Governor Humphreys above referred to, defining the status of the provisional government and the duties of the civil officials. He used the occasion for addressing wholesome and well timed advice to the freedmen. It was impressed upon them that their most important duty was to labor for a livelihood and not to neglect their work for politics. This was good seed but it fell on stony ground—it had no more than sprouted before it was burned up by the evil political heat that followed.

VICKSBURG, Miss, April 15, '67.

GENERAL ORDERS NO. 5.

I. No elections will hereafter be held in Mississippi or Arkansas to fill vacancies existing or occurring in offices of the provisional governments of those States, until a registration of voters is made. Officers of the provisional State governments who may have been by statute law competent to make appointments to fill vacancies occurring before the passage of the reconstruction Act, passed March 2d, 1867, where vacancy may exist or occur, which it is important to have filled, are requested to notify the General Commanding, and he, who is responsible that the requirements of that law be complied with, will make the necessary appointment to fill the vacancy, until an election for that purpose can be held under the law.

II. Local civil officers of existing provisional governments of the States of Arkansas and Mississippi will continue in the performance of their duties until the expiration of the terms of their offices, unless otherwise directed in special cases, or until their successors may be appointed or elected in accordance with the Act of Congress to provide for the more efficient government of the rebel States, passed March 2d, 1867.

III. The most important duty devolving upon freedmen in their new condition, is that of providing by their own labor for the support of themselves and families. They now have a common interest in the general prosperity. This prosperity does not depend so much on how men vote, as upon how well each member of society labors and keeps his contracts. Freedmen are therefore urged not to neglect their business to engage in political discussions, but continue to comply with their contracts and provide for themselves and families, for unless they do so, a famine may come and they will have no food. When the time comes for them to have their names entered in the books of voters, which will be before next September, the General Commanding will send them word through proper United States or county officers and send the books to places near by their homes, so that every voter can have his name registered and can afterwards vote without going far from his home. Only those residing in towns will be registered or vote there.

By command of

Brevet Maj. Gen. ORD.

The first act in the reconstruction drama by the military Governors was the organization of county boards for the registration of voters; regardless of race or color. The act of March 2nd had left the operation of this function in the provisional civil officials. They were required to register the voters and hold the elections for delegates for the constitutional conventions, under the surveillance of the military Governors. In its original shape the congressional plan, tendered as a finality, did not contemplate the carpet bagger. But the act of March 19th provided for the appointment of registers by the military commanders who should be required to subscribe to the test oath of 1862 which debarred from office all who had borne arms against the United States, or had voluntarily given encouragement or aid to the Confederate cause. It was possessed of the design and the effect of excluding all representative citizens from part in the new ordination of government. Under its restrictions the boards of county registers were constituted, as a rule, of two aliens and one resident. In the most of the counties, as eligible material was difficult to find, strangers to the people were imported, and in some cases so hard was it to find a native to take the oath, that negroes were appointed. There is no reason to doubt that the military commander did the best he could with the material at hand. It was a job, however, that was not attractive to honest men. Among the ex-Union soldiers and Northern men who offered for the work, "lewd followers of the baser sort" were most available and fittest. And thus was initiated the destruction of representative government and the conversion of the Southern states into a spawn of carpet baggers and scalawags.

The order that started the ball rolling, "Special No. 15, April 15," is quoted from:

V. A Board of Officers is hereby appointed to meet at these headquarters from day to day for the purpose of dividing the State of Mississippi into Election Districts, to effect a more complete registration of voters of the State, as provided in the act of Congress "to provide for the more efficient government of the Rebel States" and "an act supplementary thereto."

The Board will also examine applications for the position of register—correspond with the most prominent and reliable Union men of the State—obtain all reliable data possible and thereupon recommend applicants to the Commanding General for appointment in each of the Districts proposed to be established.

As it is important that none but loyal men should be appointed as registers, the Board will record in each case its reasons for recommending appointment.

In case there are no applicants for the appointment of register in any proposed Election District, the Board will report the fact and also what course it considers advisable to take to secure the appointment of the proper person for the office.

DETAIL FOR THE BOARD.

Brevet Major General Alvan C. Gillem, Col. 24th U. S. Infantry.

Brevet Col. Joseph R. Smith, Surgeon U. S. Army, Medical Director of the District.

Major O. D. Greene, Adjutant General's Department.

Capt. and Bvt. Maj. Charles A. Wickoff, 24th Infantry, Recorder.

The above order with its declaration that "none but loyal men" were eligible as registrars, was an educational eye-opener. While in accordance with the Republican policy, and the law, good citizenship defined under that shibboleth was a lurid light on the future. Thenceforth as known by its application, "loyalty" became a term of loathing. And with its coinage, as a test, the current that had been running so strong for an honest acceptance of the repugnant terms, was checked. All began to realize that there was nothing to be gained by their voluntary and apparently willing acceptance. The Vicksburg *Herald* which had been among the most forward and pronounced for that policy said in comment upon the order:

"The suddenness of the appointments, and that too in Gen. Ord's absence, and the manner in which they propose to discharge their responsible duties, has completely destroyed any confidence the people may have entertained that justice will be done them. It is palpable that the registry is opened for party purposes, and that come what will these partisan ends must be accomplished. It matters little whether Southern people register or vote. The tender of the privilege is the merest mockery. The Radical minority want to control this State; the fiat has gone forth, and to secure the end neither right, justice nor law will be allowed to interfere.

Events of sinister import soon followed. Meetings addressed by native white men of prominence urging political organization upon the basis of race unity, were closely succeeded by calls for a republican color line party. Such baneful activity was thus commented upon by the *Herald* of April 13th:

"The 'Union leaguers' are at work in our midst, endeavoring to stir up the colored voters to animosities against their white friends, thereby creating a conflict between the races. This organization is a secret cabal, which meets and transacts its business in by-ways, shut out from the light of intelligent or virtuous scrutiny. They profess to have all the loyalty and patriotism in this section, and it is through their agency that the basest slanders of their fellow-citizens are concocted for the Washington market.

If we would defeat these mendicant adventurers, we must lose no time in inaction. It is known that the respectable original Union men are bitterly opposed to them, and will not co-operate with the faction that is swayed by it. It is known that many respectable colored people are of the same mind. By combining with these two elements and sinking as much as is possible all bygone animosities, differences, and prejudices, it is in our power to prevail in the elections over the dangerous faction that is seeking to perpetuate all the passions of war. It requires no reasoning to show the supreme folly of divided action among those who oppose this faction. Such action would involve defeat to all, and the triumph of that faction. To live under such a government as they would inaugurate, would be disgrace and torture. Yet to such degradation and torture we will doom ourselves if we take counsel of false pride, wrong reason, and blind passion. We can escape it, and it is our aim to do so and to persuade others to follow our example."

Specious but fallacious reasoning. All roads led "to degradation and torture." So called "false pride and blind passion" were as good counsellors across the thorny plain the southern people were doomed to tramp as any. "The loyal leagues" with their instillation of distrust and hate of the old master class was a vortex into which the freedmen were drawn by a force resistless as fate. An impassable gulf was dug through a cunning contrivance of oaths and incantations between the races. Sink his race pride, his loathing of negro equality, ever so deep, the white man could not fathom it.

Under all tutelage of political agitators, there was turbulence that merged upon or ran into violence in a number of the southern states. As expressed by the New York *Herald*:

"Before the reconstruction acts were passed we heard of outrages in the south upon the negroes. Now we hear of outrages committed by the negroes. In the administration of their authority certain of the military commanders taught the negroes insolence and malice by treating the whites as a proscribed race. General Daniel E. Sickles was an instructor in such lessons. As an illustration of his petty tyranny which illustrated his record, observing the firemen's parade in Charleston, he required it to halt until an American flag could be procured which he, Gessler like, required every fireman to salute." "There was nothing," said the Chicago *Times*, "to indicate that the firemen intended any disrespect to the flag or the government. Requiring them to do what was contrary to the general custom, Sickles proved that the National government was a despotism. He chose the best method he could to make the flag hateful and to prove himself a petty, narrow-minded tyrant controlled by a contemptible vanity which led him to play fantastic tricks."

A number of Republican Congressmen came down South to engage in the work of stirring up the negro voters to political activity. Representative W. D. Kelly, of Pennsylvania, was the most effective. Wherever he spoke, cain was raised. His address in Mobile was attended by rioting in which a policeman and several negroes were killed. In Richmond, General Schofield was forced to order the disbandment of the negro militia. He called certain negro strife breeders before him and told them in plain terms that the next one of their riotous meetings would be dispersed by artillery. General Mower, who commanded the post in New Orleans, being defied by a body of turbulent negroes he had ordered off the streets, threatened them with artillery. The especial occasion of the trouble in New Orleans was over the street cars which the negroes claimed the right to ride in. Their claim was subsequently granted by military order though they were denied the right of entry into restaurant and confectionery.

While General Ord could not, if he would, have retarded the rising tide of race hostility and strife, he did nothing beyond the letter of the law to promote it or to make the yoke heavier on the whites. Upon the contrary, while other district commanders were harsh in their demeanor and interpretation of what was required of them, it was the rule of the commander of the fourth district "to temper justice with mercy." There were ambiguities of expression in the law concerning the registration of voters which were referred to the secretary of war for instruction and by him to the attorney general. There was delay in his opinion, pending which General Grant directed Sheridan to act according to his own construction, which was a harsh one. General Ord directed the registrars to register all who claimed the right to register, making notes of those that were questionable to be passed upon when the attorney general was heard from. The oath of registration is quoted:

> "I, ——, do solemnly swear or (affirm), in the presence of Almighty God, that I am a citizen of the state of ——; that I have resided in said state for —— months next preceding this day, and now reside in the county of ——, or parish of ——, in said state, as the case may be; that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any state or of the United States; that I have never been a member of any state legislature, nor held any executive or judicial office in any state, and afterwards engaged in insurrection or rebellion against the United States, and given aid or com-

fort to the enemies thereof; that I have never taken an oath as a member of congress of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do; so help me God."

May 24th, Attorney General Stansberry made his ruling upon questions under the two reconstruction acts, upon which military commanders of some of the districts had asked instruction; settling disputes as to who were and who were not entitled to vote in the coming election. The opinion was very long—containing over 10,000 words. Under Gen. Ord's common sense construction it had little interest in Mississippi. In the following less than a dozen lines he had settled all disputes and in general harmony with the Attorney General's interpretation:

> "If you were ever appointed to office by the President of the United States; were ever a governor, a congressman, a judge, or a member of the legislature, and then took arms on the C. S. side, you need not call on the registrars—you can't vote. All others can—if they will."

While the Attorney General's ruling did not disturb the modus vivendi already set up in Gen. Ord's district, they operated as a restraint upon other commanders; especially General Sheridan, who had been directed by Gen. Grant to proceed under his own drastic interpretation pending the promulgation from the Attorney General. General Ord simply issued a circular of instruction to the Boards of Registration enjoining upon them not to refuse registration in "doubtful cases," but refer them to headquarters. In this circular the following were given as clearly disqualified within the act:

> V. The following officers in this district are regarded as clearly included within the terms executive or judicial officers of any state, viz.: Governors, secretaries of state, auditors, state treas-

urers, attorney generals, judges of the supreme court, of the high court of appeals, chancellors, judges of the circuit court, judges or justices of county courts, sheriffs, coroners, and adjutants general and quartermasters general who have actually exercised the duties and received the salaries of their offices, and mayors authorized to act in a judicial capacity.

In this same month of May two events of especial interest in Mississippi had occurred, the release of Mr. Davis on bail, and the Supreme Court's refusal of the injunction against the reconstruction acts. Both happening on the same day, they were thus stated with significant brevity in the Vicksburg *Herald,* of May 11th:

> Release of Jefferson Davis—It will be seen by our telegrams, that Jefferson Davis was yesterday released, his bail being fixed at $100,000. Among his bondsmen, the most prominent are Horace Greeley and Augustus Schell, of New York.
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> The Injunctions Refused—The Supreme Court of the United States has refused to grant the injunctions prayed for by the state of Mississippi against General Ord, and the state of Georgia against General Pope, on the ground of want of jurisdiction.

The signing of the Davis bond by Horace Greeley, the famous abolitionist and editor of the New York *Tribune,* attracted wide attention and comment. By Southern papers Mr. Greeley was praised for his magnanimity. Among the Northern radicals he was bitterly assailed as a traitor to his negrophile professions. He made a summons to appear before the Union League Club, the occasion of a letter of justification and defiance, which is among the best remembered of all the products of a pen that have won national fame. The editorial introducing it, while far less noted, is more significant as a marker of the Reconstruction record. In that article he turned back two years to the assassination of Lincoln, and his use of that calamity as a text for an appeal for a cessation of sectional strife. The effect of that appeal was told as follows:

> At once insidious efforts were set on foot to turn the fury then engendered against me because of my pertinacious advocacy of mercy to the vanquished.

Chancing to enter the club house, the next Saturday evening, I received a full broadside of your scowls, ere we listened to a clerical harangue intended to prove that Mr. Lincoln had been providentially removed because of his notorious leaning towards clemency, in order to make way for a successor who would give the rebels a full measure of stern justice. I was soon made to comprehend that I had no sympathizers, or none who dared seem such, in your crowded assemblage, and some maladroit admirer having a few days afterward made the club a present of my portrait, its bare reception was resisted in a speech from the chair by your then president—a speech whose vigorous invective was justified solely by my pleading for clemency to the rebels.

At once a concerted howl of denunciation and rage was sent up from every side against me by the little creatures whom God, for some inscrutable purpose, permits to edit a majority of our minor journals, echoed by a yell of "stop my paper," from thousands of imperfectly instructed readers of the *Tribune*. One impudent puppy wrote me to answer categorically whether I was or was not in favor of hanging Jeff Davis, adding that I must stop his paper if I were not. Scores volunteered assurances that I was defying public opinion; that most of my readers were against me, as if I could be induced to write what they wished said, rather than what they needed to be told. I never before realized so vividly the baseness of the editorial vocation, according to the vulgar conception of it.

The din raised about my ears now is nothing to what I then endured and despised. I am humiliated by the reflection that it is or was in the power of such insects to annoy me, even by pretending to discover with surprise something that I have for years been publicly and emphatically proclaiming.

As the failure of the supreme court to annul the reconstruction acts had been anticipated, its decision occasioned little disappointment or surprise. Furthermore it was felt that if the ruling had been different congress, which had only recessed, would pass another act of equal or greater repugnance. Commenting, The Jackson *Clarion* said: "The dismissal of the injunction cases will cause no surprise to our readers. The conclusive opinions which have been published in the columns of the Clarion from the pens of Judges Harris, Yerger and other eminent leading gentlemen, have left little ground for the indulgence of the belief that the supreme court would take cognizance of the questions involved."

Nevertheless, according to the uncontradicted Washington press dispatches the supreme court stood four to four on the case, and had Justice Grier not absented himself the injunction would have been granted. No division was recorded, however, the chief justice merely announcing that: "He was instructed by the court to deliver its decision and to dismiss the case for want of jurisdiction." The court's decision applying to the Georgia case which was similar to the one from Mississippi, both cases were covered under it. Applications to amend the Mississippi bill filed by Judge Sharkey and other counsel for the state, including ex-senator and ex-secretary of the treasury and ex-attorney general, Robert J. Walker, was dismissed by the same vote of four to four, Justice Grier absenting himself.

An odious and an ominous incident was contributed to the argument of the case by Attorney-General Stanberry. He took occasion in illustration of the power of congress to point out "several ways in which congress could abolish the supreme court, and that if such action was sustained by the people there was no remedy." With the memory yet fresh of the denunciations and threats against the court, by Stevens and other radical leaders in congress, for its decision in the Milligan case, the reminder created a most unfavorable impression. At the head of the attorneys for Georgia, was Mr. Charles O'Connor of New York, the most eminent lawyer probably, of his day. Replying to the words of the attorney general quoted, Mr. O'Connor said:

> "By repealing old laws and by enacting new ones, we do not deny that congress might completely paralyze the functions of this court, and essentially deprive it of any capacity to administer justice. But it is no argument, when we come into this court and ask it to exercise its power within its legitimate sphere under the constitution, to say that violent, lawless, revolutionary measures, involving a violation on the part of the other departments, might by possibility be induced by its proceedings, and therefore that it should refrain from performing its duty. Quite the con-

trary; it is only for the court to see that it has a duty to be performed, and to perform it."

Nevertheless, the justices were but men, living in a turbulent and a demoralized time. And no student of its history can reach any other conclusion than this: that had the court stood between the radical wolves and their prey, it would have been brushed aside even as the constitution and all principles of justice and standards of statesmanship had been swept away.

As the season advanced the condition of the state industrially, the promise of a better agricultural outcome than in the preceding disastrous years, grew worse. "A wretched rainy season," reported the Woodville *Republican* in June, "has been ruining crop prospects for the last ten days. It is so far last year over again; the experience of getting hopelessly in the grass being repeated. The practice should be different. If the error of 1866, of neglecting the corn crop to save the cotton, he repeated the Lord only knows where the country will land." Such items with ensuing reports of the reappearance of the army worm appeared in all the papers of the state. In the Delta the planting prospects were very gloomy. There was the most disastrous overflow in twenty years, entailing a late planting with all its adverse incidents. The army worm, which had been destructive the previous year, appeared in myriads, a fit companion for the reconstruction plague sent upon the land by congress. Planters were being harassed to the last degree by orders and regulations based upon the complaints of negro talebearers. General order No. 19 recited "on creditable information, the land owners were, without legal cause for frivolous pretext, driving off labor to withhold arrears of wages or share of crops." Freedman's Bureau commissioners were directed and empowered to investigate such causes, and bring offenders to trial. They were ordered to prevent removal of the growing crops, until disputes of the previous year had been settled. As the crop was being grown under the prior lien for supplies advanced, the injustice of such an order, and the confusion to which it led will be readily perceived. Though the evil was minimized in the river section, where the crop was lost any way, through overflows, bad seasons, army worms and political demoralization. Except when under the constraint of carrying out the reconstruction act General Ord spared no effort to ameliorate the economic distress of the people. This became so acute that he issued the following well meant but largely futile order:

VICKSBURG, Miss., June 12, 1867.

General Orders No. 12.

With a view to secure to labor in this district, its hire or just share of the crops, as well as to protect the interests alike of debtors and creditors from sacrifices of property by forced sales in the present impoverished condition of the country, it is ordered that all proceedings for the sale of land under cultivation, or of the crops, stock, farming utensils or other material, used in tilling such lands, in pursuance of any execution, writ or order of sale issued, in case where the debt or other cause of civil action was contracted or accrued, prior to the first day of January, 1866, be stayed and suspended until after the thirtieth day of December, 1867. In the meantime all interferences, under color of any such legal process with the lawful tenant in cultivating or gathering the growing crops, is prohibited; provided that the rights or remedies for a recovery of debts, at any time, of parties to whom the crops have been hypothecated, for money stock, or other means or material, supplied in the cultivation of the land, shall not be hereby prejudiced or postponed.

However well meant, the order quoted below was mischievous and demoralizing in the last degree. In seeking the correction of "mistaken ideas," in teaching the negro his rights, they were led into the indulgence of distorted and exaggerated impressions of liberty and license that were carried to an extent that was both demoralizing and dangerous.

VICKSBURG, Miss., June 29th, 1867.

General Orders, No. 16.

As mistaken ideas on the subject of registering and voting may be spread or arise among the freedmen in this district, which, if not corrected, would tend to prevent them from registering and voting, subdistrict commanders will direct the agents of the Bureau of Refugees, Freedmen and Abandoned Lands to visit every important plantation within their reach and instruct the freedmen upon these points. They and the registrars will inform freedmen that the registration, where their names have to be entered and an oath taken, is not for the purpose of imposing any tax, or holding them to any military or other service, but simply to enable them to share equally with the white men in the privilege of choosing who shall hold office in the county, state and United States wherein they reside, and that unless they register, they may be deprived of this privilege.

Whenever freedmen are interfered with, threatened, or deprived of any advantage, place or hire, on account of their registering or showing a wish to register, they will be informed that it is their duty to report such interference or deprivation, so that the party offending may be dealt with according to law. Registrars and officers of the army throughout this district will report all such offenders to the assistant adjutant general at these headquarters, with the names of witnesses, dates and places given carefully, so that the offense may be punished.

By command of Brevet Major General Ord.

O. D. Greene,
Assistant Adjutant General.

The attorney general's construction of the acts of reconstruction was soon followed up by an opinion upon the power of the district commanders in the removal of state officials and appointments to fill vacancies so created; the question arising out of General Sheridan's removal of Governor Wells of Louisiana and the appointment of a successor.

"I find it impossible," read the opinion, "under the provisions of this act to comprehend such an official as the governor of one of these states appointed by one of these military commanders * * * What is true as to the governor is equally true as to all other legislative, executive and judicial officers of the state. If the military commander can oust one from his office, he can oust them all. If he can fill one vacancy, he can fill all and thus usurp all civil jurisdiction * * * certainly this act is vigorous enough in the power it gives. With all its severity the right of electing their own officers is still left with the people and it must be preserved. * * * The proper function of military power is to preserve the peace, to act promptly when the peace is broken and restore order * * * this in my judgment, is the whole scope of the military power conferred by the act." This opinion, clear in an interpretation that, as far as possible, made such an act compatible with the institutions of the country and the liberties of the people, was qualified so as not to apply in case of actual insurrection or a riot.

Upon complaints of citizens of Louisiana that a sufficient time has not been given for registration, the president tentatively requested General Sheridan to extend the time to August first. This provoked a letter from General Sheridan to General Grant from which the following is quoted:

> "The registration will be completed in Louisiana at the time specified unless I am ordered to carry out the law under General Stanberry's interpretation, which practically, in registration, opens a broad macadamized road for perjury * * * I regret that I should have to differ with the President, but it must be recollected that I have been ordered to execute a law on which he had looked with bitter antagonism.

The president's feelings on reading this mutinous utterance may be imagined. Doubtless for expediency's sake to avoid an open rupture with General Grant who was fatuously devoted to General Sheridan, it was passed over for the time. Referring to the two opinions of the attorney general of May 24th and June 12th Mr. Blaine says in "Twenty Years in Congress:"

> "They in many respects neutralized the force both of the original and supplementary acts of reconstruction. * * * Republican leaders felt therefore not only justified in the precautions they had taken to keep the power of congress alive, but esteemed it particularly fortunate they could so promptly prevent general effects which might otherwise flow from the unfriendly construction of the attorney general."

How the clash was looked on by the radicals can be read in the following from The New York *Tribune*, editor Horace Greeley perhaps welcoming it as the chance to recover favor and subscribers lost by putting his name to the Davis bond.

> "Above all, and here we approach the crime of the opinion. This is not the construction intended by congress, and accepted

by the administration and the country in this respect. The attorney general is dishonest; he is a partisan endeavoring to prepare the country for a great wrong. We are afraid we cannot trust the President. He seems to have the fatal faculty of blundering; of getting himself and his friends into trouble, of bringing peril to the country. Nothing seems to annoy him so much as peace. We believe he means, if he dares, to strike a blow at the reconstruction policy of congress, and bring up from the pit of sin and iniquity the shameless policy by which he sought to deprive a race of its dearly earned rights. We must show him that he dare not. Congress should assemble in July and address itself again to reconstruction. We must make this bill so plain that even Stanberry may understand it, and so comprehensive that the President cannot escape its execution. We regret that the administration has forced another issue upon the country. We must promptly meet it."

And yet the Attorney General had but interpreted certain provisions of the law in response to questions submitted by some of the district commanders, for their enlightenment in administering them. Gens. Ord and Schofield practiced a liberal construction of the proscriptions of the law, and were habitually liberal in the exercise of their authority. The others, Sheridan, Sickles and Pope were by nature despots. Wholly wanting in statesmanship or magnanimity, they looked on the Southern people as rebels to be tyrannized over and kept down. While the issue grew more distinctly out of Sheridan's usurpations, Sickles and Pope were quite as great offenders against the law and the rights of the people of their districts.

Sickles, the civilian and Democrat, was the worst of them. He was thus described true to life by Attorney General Stanberry: "He placed himself upon a higher ground than the president who was but an executive officer. He assumes directly and indirectly all the authority of the state, legislative, executive and judicial." General Pope had been appointed to succeed General Thomas in the Georgia, Florida and Alabama districts. According to Blaine "he was aggressively loyal. He administered the reconstruction laws, therefore, in their full spirit and equity. He insisted on fair dealing and suppressed all interference with voters by the late Rebels." The hero of the second Bull Run proved himself "aggressively loyal" on all occasions. For instance, he proposed that "opposition to the reconstruction policy of ex-confederate soldiers should be treated as a violation of their paroles," and according to the press dispatches, General Grant indorsed the proposition.

Seeking an excuse for the tyrant of the Carolinas, Blaine places this absolute untruth in his "Twenty Years of Congress": "Sickles had perhaps the most difficult command of any of the Generals in the South, as South Carolina from the beginning of the war had presented phases of disobedience to the federal authority peculiar to her people and antecedent history." South Carolina was from "the beginning of the war" the chief object of Northern vindictiveness and was treated accordingly by Sherman during the war and Sickles after it. She was the typical prostrate state, and, until some years later, resistlessly suffered outrages beyond any experienced elsewhere in the South. So far from the state being the most "difficult to govern," in an editorial in the Augusta *Constitutionalist*, probably the most popular and widely read of all Southern papers of this period, South Carolina and her people, were cruelly berated for "apathy which encouraged Sickles to break ground for negro social equality." It said reproachfully, "the time has never come when servility or fawning could benefit the South. When an eminent politician and former secessionist fervidly defended the lawless interferences of Gen. Sickles in the columns of the *National Intelligencer;* when the so-called Governor of the State played constant toady to his pro-consular director; when Carolinians have stated in our hearing that "Sickles is the best Governor we ever had," when a Dead Sea sluggishness brooded over the State at large, we do not marvel that this praise-bespattered commander should fancy himself a son of Jupiter and assume the nod of divinity."

As stated already, upon adjourning in March, congress had, in anticipation of action by the president calling for further reconstruction legislation, adopted a resolution that on July 3rd, the rolls should be called in each house and if a quorum responded, an extra or adjourned session should be held. At the same time the Republican caucus appointed a committee to act as "sentinels on the watch tower"—to sound the "long roll" if the emergency arose. Treating the attorney general's opinion as a challenge, this committee responded in a defiant address or manifesto, a veritable call upon congress "To your tents, O Ishrael." This inflammatory appeal declared that beyond the conditions of the reconstruction act and its supplement before any of the late rebellious states were readmitted to the union, "Congress must be satisfied that the people are and are likely to be loyal to the Union by decisive and trustworthy majority." A characteristic letter was also published from the radical leader, Thad Stevens, urging the importance of the reassembling of congress on the day fixed. These calls warned the southern people of more proscriptions and additional requirements of even greater odium than those already provided. Commenting on the committee address, and the manifest intent "to put black heels on white necks," the New York *Herald*, though a supporter of congress against the president said:

> "The steps taken to secure the negro vote by driving the white men into inevitable opposition, certifies that the negroes can only be held on a platform on which white men cannot stand. If promises to the negro are kept the Republicans will scarcely poll a white vote in any Southern state. The bad policy of the Republican party, the headlong precipitancy of its frantic leaders, have placed it in such a false position on that great subject of reconstruction, that *its promises to the negro are threats to the white man;* and these threats have driven the white man hopelessly beyond the radicals' reach."

Under lowering clouds congress reassembled July 3rd. The opinion of the Attorney General served as a pointer for the closure of every avenue to executive interposition to stay a tyrannical fulfillment of the radical scheme. The second supplementary act was drafted, making a clean sweep of all obstacles in the way of military despotism. There was under it an express enlargement of the class of disfranchised whites. While Democratic argument was vain, the following passage from the speech of Representative James Brooks, of New York, on the bill as it was reported from the reconstruction committee, and the reply of Stevens, is quoted:

> "You have selected the least intelligent of human races to share co-partnership in this government. It is impossible for these two races to live together on terms of intimacy and friendship, as you propose. You have stirred up the element of awful strife between them. The negro Haitien is wiser than you. He allows no white man to own real estate on that island. The black Liberian is wiser than you. He allows no white man to share with him his government. The experiment in Jamaica of a mixed government has broken down. Nowhere on this earth has the mixed government succeeded. God ordained one race superior to the other, and no feat of yours can bring down the Caucasian to the level of the African, or bring up the African to the level of the Caucasian." "Another good reason," said Thad Stevens in the debate, "for negro suffrage, is that it will insure the ascendancy of the Republican party.
>
> "Do you avow that purpose?" he was asked.
>
> "I do," said Thaddeus Stevens. "If impartial suffrage is excluded in the Southern states then every one of them will send solid delegations to congress. They will combine with the copperhead Democrats of the North and elect a President and congress. For all these reasons I am for negro suffrage."

Under such a devil's whip, the second supplemental act was passed. "For a comparison of the act," Historian Rhodes says, "we will have to go back to the days of Charles I, or Louis XVI." When the partisan aim and the dreadful and enduring evils of negro suffrage are measured, there is no parallel to this finish of the reconstruction plan. The operating sections of the act are quoted:

> SEC. 2. That the commander of any district named in said act shall have power, subject to the disapproval of the general of the army of the United States, to have effect till disapproved, whenever in the opinion of such commander, the proper admininstration of said act shall require it, to suspend or remove from office or the performance of official duties and the exercise of official powers any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district, under any power, election, appointment or authority de-

rived from or granted by or claimed under any so-called state or the government thereof or any municipal or other divisions, thereof; and upon such suspension or removal, such commander subject to the disapproval of the general as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

Sec. 3. That the general of the army of the United States shall be invested with all the power of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

Sec. 4. And be it further enacted, That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers and appointing others in their stead, are hereby confirmed, provided that any person heretofore or hereafter appointed by any district commander to exercise the function of any civil office may be removed either by the military officer in command of the district, or the general of the army; and it shall be the duty of such commander to remove from office as aforesaid persons who are disloyal to the government of the United States, or use their official influence in any manner to hinder, delay, prevent or obstruct the due and proper administartion of this act and the acts to which it is supplementary.

Sec. 5. That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration," passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list; *Provided,* That no person shall be disqualified as member of any board of registration by reason of race or color.

SEC. 6. That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the legislature of any state, or who has held any executive or judicial office in any state, whether he has taken an oath to support the constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any state" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a state, or for the administration of justice.

SEC. 10. That no district commander or member of board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

For immediate effect the veto of the President was a vain thing, except to add more fuel to the impeachment scheme; which the Senate judiciary committee had been considering since the recess taken by congress in March. Whatever may be the ultimate judgment on his incidental errors, the righteousness of the President's oppostition to the reconstruction act is more than established by the veto messages over which they were passed. The following synopsis of the last of the series, the veto of the 2nd supplemental act July 19th—which congress adjourned after overruling—is quoted:

"Within a period less than a year the legislation of congress has attempted to strip the executive department of the government of some of its essential powers which the constitution and the oath provided. It devolves upon the President the duty to see that the laws are faithfully executed. In order to carry out the provisions of the constitution as regards this power, he must have the choice of the agents and make them subject to his control and supervision; but in the execution of these laws, the constant obligation upon the President remains, but the power to exercise that constitutional duty is effectually taken away by appointment of military commanders. The military commander is as to the power of appointment to make and take the place of the President, and the general of the army the place of the senate; and any attempt on the part of the president to assert his own construction of power may, under the pretence of law be met by official insubordination. It is to be feared that these military officers while looking to the authority given by these laws rather than to the letter of the constitution, will recognize no authority but that given to commanders of districts and the general of the army. If there were no other objection than this to the proposed legislation, it would be sufficient. Whilst I hold the chief executive authority of the United States; whilst the obligation rests upon me to see that all the laws are faithfully executed, I can never willingly surrender that trust or power given for its execution. I can never give my assent to be made responsible for the faithful execution of the laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust vested by the constitution in the President is to be taken from him and vested in a subordinate officer, the responsibility will be with congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise. This interference with the constitutional authority of the executive department is an evil that will inevitably sap the foundation of our federal system. But it is not the worst evil of this legislation. It is a great public wrong to take from the President the powers conferred upon him alone by the constitution; but the wrong is more flagrant and more dangerous when the powers so taken from the President are conferred on a subordinate executive officer, and especially on military officers.

Over nearly one-third of the states of the United States military power, regulated by no fixed law, rules supreme.

As stated previously, immediately after the enactment of the reconstruction act, looking upon it as the completed plan for the re-entrance of the southern states into the Union, odious as it was, but fearful that worse would follow if it were opposed by the white voters, there was a majority, if not an overwhelming one, for its acceptance at the polls. There was, it is true, an opposition element to the proposed convention for organizing the state government under a constitution embracing negro suffrage, white proscription, etc. As editor of the Woodville

Republican, the writer of this contribution of our history stood with the minority and the following brief editorial quotation is given to illustrate the opposition view:

> "We can see no good in hurrying into the Union upon such a bid and at a time when our presence at the family board would be barely tolerated. Present conditions would not be improved. Look at Tennessee for instance. She is in the Union and what has it profited her to escape military rule? While the disciplined troops of the United States have been removed they have been replaced by undisciplined and lawless state military, white and black. Are not the people of Tennessee less happy, and less protected from abuse and misrule today than those of Mississippi?"

Nevertheless the majority of the white people were prepared to go to the polls and vote for a convention and delegates thereto. In this situation the supplementary act was passed, with its iron clad oath, its restriction of registration of officials to the "loyal" and the enlargement of the numbers excluded from the polls and the jurisdiction over complaints, frauds, etc. Such a change in the original act was complained of as an unprovoked violation of the implied faith in it as a finality. This caused a great cooling off in the intention to vote for a convention.

A Woodville *Republican* editorial noting the unfavorable effect of the supplemental act is quoted from:

> "We should shun this offered reconstruction as we would the seven deadly plagues; and it is a realization of its true tendency which we have above stated, that has and is causing this reactionary sentiment. Many who favored reconstruction as they interpreted it, have abjured it, appalled and disgusted, on truly perceiving its tendency. And that which was indisputably the popular sentiment, a few weeks since, has not now one advocate in the community; or if so, we have no knowledge of him. All are fully convinced of the impolicy—the ruinous policy, of our so innovating our state constitution."

Complaints of the violated faith in the imposition of harder conditions were worse than futile. This was met by congress with the "Brennus cry" of Vae Victis—the sword in the shape of the second supplementary act was thrown in the scale. It left nothing unprovided, no loophole of amelioration or modification by construction. The 10th section removed the district commanders from the reach of the courts, while the 3rd, giving Gen. Grant—of whom the reconstruction architects by now felt reasonably sure—concurrent power which compelled a like authority in all the districts. There had been no provocation whatever in the Southern states for the second supplemental act. Between March and July, while the acts already adopted were being fitted on the military districts, there was no resistance or revolt—no reports of violence toward the negro. Alleged to be called to neutralize the Attorney General's ruling, congress went farther, and imposed new and more proscriptive conditions and, while conferring larger powers upon the district commanders, raised them and all of their acts above the review of the courts. To people of today, the trials imposed upon the whites by the political excitement and turmoil in 1867, aggravated as they were by the adverse farming conditions, crops fast running to weeds and waste, cotton being devoured by army worms, is not conceivable. The most depressing feature was the absolute indifference of the negro farm labor to an economic situation that threatened all with ruin. Such was their political intoxication that no call upon them in the fields so imperative, no persuasion so tempting, no appeals so abject, could turn them from the League calls to the almost daily campaign harangues. Matters became much worse after the July supplemental act. Under its influence and operations, quickly taking in the heavy hand laid upon their former owners, the negroes lost what remaining respect and obedience they had for any compulsory authority of their landlords and employers. The following order added further to the despair of the white people, while convincing the negroes and their "loyal" leaders that the government was with them:

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas.)
OFFICE OF CIVIL AFFAIRS.
VICKSBURG, Miss, July 29th, 1867.

Circular.

The United States congress having provided by special law for the organization of state governments and the basis of suffrage without regard to color, and having also provided for the removal of all officers who in any manner thwart or obstruct the execution of this law, and the duty of administering these laws in this military district having devolved upon the undersigned, all state and municipal officers of whatever degree or kind are hereby notified that any attempts to render nugatory the action of congress designed to promote the better government of the states lately engaged in rebellion, by speeches or demonstrations at public meetings in opposition thereto, will be deemed good and sufficient cause for their summary removal from office. The same prohibition in regard to speeches and demonstrations at public meetings will be strictly applied to all officers holding appointments from these headquarters, and existing orders prohibiting the interference of officers of the army in elections will be rigidly enforced in this district,

E. O. C. Ord,
Brig. and B'vt Maj. Gen. U. S. A.,
Com'g 4th Military District.

Upon a people already despondent, the depressing effect of a mandate—which was in fact a provision of the law—restraining all civil officials, naturally the popular leaders, from participation in the campaign, may be easily imagined. In Mississipi where there was a large numerical negro registered majority, it cast the shadow of certain defeat of white control of the convention. It was followed up by the order apportioning the convention delegates among the various counties, to be voted for on the first Tuesday in November. This apportionment which was flagrantly unfair and partial, caused bitter complaint. Its chief vice was a violation of the principle which had always prevailed in the state, of direct county representation—the thinly populated white counties of the southeastern part of the state being grouped in delegate districts, while others were smothered under the negro majorities of adjoining counties with which they were districted. Registration had disclosed a decided majority of negro voters, and a preponderance of negro counties. But this was not trusted as sufficient to insure the radical control of the convention, and an unwarranted proportion of the delegate total was conferred upon the black counties. For instance, Washington, Claiborne and Wilkinson, black, with a combined population of 37,000, were given seven delegates. The two counties of Ponotoc and Ittawamba, white, 36,000 inhabitants, were allotted two delegates. Tallahatchie, black, with a registered vote of 350, was given a delegate, and Lawrence, white with 1,855, one. Choctaw, a white county, was made radical by merging it with Oktibbeha, black. Thirty black counties were given over two-thirds of the total delegates. Thus it will be seen that control of the convention by the radicals was assured beyond peradventure. Such an apportionment of delegates answers the charge ignorantly made, that "the white men of Mississippi made a great mistake by allowing the election to go by default, allowing the radicals to secure a large majority of delegates." As will be shown, the white men of the state—playing as they were against loaded dice—pursued the only policy that offered a possibility of escape from the clutch of fate. The apportionment order is quoted in detail:

> Warren county shall elect five delegates; Lowndes and Hinds each four; De Soto, Marshall, Monroe, Carroll, Noxubee, Washington, Yazoo and Adams, three each; Tippah, Tishmingo, Panola, Lafayette, Lee, Yallabusha, Chickasaw, Holmes, Attala, Madison, Rankin, Lauderdale, Claiborne, Copiah, Jefferson and Wilkinson, two each; Pontotoc, Itawamba, Tunica, Coahoma, Bolivar, Tallahatchie, Calhoun, Sunflower, Winston, Isaquena, Neshoba, Kemper, Leake, Scott, Newton, Jasper, Clark, Wayne, Lawrence, Franklin, Amite, Pike and Harrison, one each; Oktibbeha and Choctaw, together, three; Simpson and Covington, combined, one; Smith and Davis, combined, one; Marion and Hancock, combined, one; Perry, Greene and Jackson, combined, one; Holmes and Madison, together, will elect one.

When the inevitability of reconstruction on the basis of negro enfranchisement was realized, the most convincing argument for reconciling the southern people to it was that they would control the vote for the freedmen. While this argument was wholly vain, superficially considered it seemed sound and simple, as it was so plainly the right and natural order of events. Hence when attended by complete and utter failure, the white people were censured for not having sought to effectuate such control over the negroes—for driving them, by neglect and scorn, into the net of the base and sordid adventurers who descended on the land like a swarm of devouring locusts.

The annals of the times show the effort was made faithfully and earnestly. Personal persuasions and force of reason were exhausted. Meetings were called, and addresses made, pleading for friendly political relations between the races, as the foundation of the new governmental order. The result was failure, utter and universal. The whispered word of radical emissaries and adventurers inciting suspicion and animosity of the negroes toward their old owners, outweighed all. Upon reflection this will be seen to have been natural and inevitable. The Southern manner of address, his air of authority, conflicted with the new sense of freedom, and contradicted his professions of acceptance of political equality. Suspicion and distrust in the negro was second nature. He saw that there was no real and lasting fulfillment in that quarter, for the aspirations which the law promised him. The situation was made to order for the carpet bagger. His professions and practices of social fraternity captured the black man's fancy. He slept in his cabin and ate at his table. This was an object lesson which native white men could not stand against. The fact that the Southerner was an employer of the labor of the negro, was another impossible obstacle of political equality. The excitement and turmoil of the weeks and months of registration, the meetings and the speakings, caused an industrial distraction and disorder, which menaced the state with another crop failure.

There was much complaint of unfairness by the whites against the registrars. Negro presumption and insolence, and white turbulence and resentment, on many occasions, brought affairs near the danger line. But the distribution of several thousand regular soldiers throughout the state, chiefly in the black counties, had a generally wholesome effect. There were some arrests and a few convictions by military courts of white men for interfering with reconstruction, or disturbing the peace. As a rule the officers and soldiers sympathized with the whites. This the negroes did not understand. It conflicted with the lessons of his political primer. The course of instruction by his carpet bagger teacher was simplicity itself. It comprised two cardinal precepts—sleepless distrust of his old owner, and everlasting gratitude to the Republican party for his freedom. Never was a lesson learned with more ease and thoroughness. The tenacity of its hold on negro nature is the key unlocking the secret of the complete ascendancy of the carpet bagger. The second article of the creed, it is true, soon faded. The negro quickly saw through the sham of the debt of gratitude. But the corrupt and abominable nature of the carpet bag negro alliance was perpetuated through the bond of mutual dependence, and defense against the common foe. The seeds of distrust planted in the negro breast toward the Southern white man have never been eradicated. They took root deep and undying as the coco grass in Delta soil. It kept the black phalanx unbroken to the end. Sometimes there was friction and insubordination toward the carpet bagger. From despising the negro tool, the carpet bagger acquired for him a jealous hatred, as the sons of Ham grew to aspire to a share of the spoils of office. But the strife was always accommodated before election day. The negro did not become so estranged that he could not be cajoled into line through his weak vanity, to which the white man's solicitations and flattery irresistibly appealed. As a rule the carpet baggers were ex-soldiers or camp followers. Many had been officers in the discharged negro regiments. The band of spoilers was augmented by the native white "scalawag." All were inspired by Iago's precept "put money in thy purse." Such were the teachers by whom the black dupes were tutored in the lessons of citizenship.

As the campaign progressed, the arrogance and bad spirit of the negroes grew. They were led on toward violence by leaders emboldened through the added severity of the second supplemental act, and by actions and orders thereunder of the military for putting the reconstruction measures into operation. The negro masses were quick to catch on to the situation—to the determination of the Republican party to place "the bottom rail on top." There were frequent narrow escapes from race collisions, which were only kept within bounds by the resolute front of the whites and the proximity of the military. Upon acquainting himself with the condition in the state, Gen. Ord had foreseen its possibilities, of danger and had asked for and secured more troops; two regiments additional of infantry and a battalion of cavalry. As the whites were all for peace, this gave him ample force for distribution over the state. Nevertheless, the situation became so menacing that early in September, General Ord published an order declaring that "for the purpose of securing peace and quiet and preventing violence, disorder and riot throughout the limits of this military district, the assembling of armed organizations or bodies of citizens under any pretense whatever is prohibited." Woodville was the scene of a near race riot shortly before this order was issued. Incident to a political gathering of hundreds of negroes in town, one of them was arrested for some minor disorder. His release was demanded by a turbulent and threatening crowd. In the ensuing excitement the local bureau officer wired for troops. Before they arrived the trouble was provided against by an organization of white men for resistance and suppression of any future riotous demonstration in any part of the county. But the incident, the narrowness of escape from bloody fray, created a profound impression. The arrival of a company of soldiers was attended by an editorial in the *Republican* which is quoted for the lurid light it shed upon the situation:

> "We were mistaken in supposing that General Ord would send no troops to secure the tranquillity, so rudely threatened, in this community. The advent of Company G, 24th Regular Infantry, Lieutenant Haller, commanding, was an event hailed with satisfaction by all the law-abiding citizens of Woodville and vicinity. The very marked change which has appeared in the tone and manner of the colored element of the county would convince even General Gillem that the entire responsibility for the late state of affairs rests with them; or rather with the thieving wretches who control their league. We have learned from a number of planters from distant portions of the county that this change is noticeable generally, and so far as the town is concerned, it is obvious to the most superficial observer.

We think the presence of the troops also convinced many of our most conservative whites of the policy of voting "No Convention." All see how incalculably superior is military rule to a civil government, based upon negro political supremacy. May we be preserved in future from that which seemed so imminent a few days since, for we state, without fear of contradiction, that all the efforts on the part of the whites to avoid a conflict, would not have been of avail one month longer; or election day, at the farthest, would have consummated it. The insolence and arrogance of the negroes was surely tending to bring about an attack from the whites in their own defence, which would have resulted in their (the negroes') extermination; from this we are preserved for the present. But undoubtedly a terrible change has been wrought in the minds of the whites—the landholders—towards the negroes. Notwithstanding an experience founded on a constant contact and acquaintance with several generations, all have conceded that the extreme capacity and adaptability of their ignorance to purposes of harm, surpasses all previously formed estimates."

So discouraged were the land owners by their experience of the influence of radical politics upon the negroes, that a strong sentiment grew up for introducing white immigration in substitution for the negroes. While the season had been unfavorable and the injury to the cotton crop by the army worm great, there was a general recognition that the disaster was chiefly due to the political campaign. In Wilkinson and other counties associations were effected to secure a labor home seeking white population. Though it came to nothing, the organization effected was thorough and earnest. But the obstacles in the way of its consummation were insurmountable.

There was in fact no way of escape from the doom of negro enfranchisement and its infliction of misrule and soul torture. The years of wandering in the wilderness of despondency and humiliation that had been decreed the Southern people by their hate-inspired Northern brothers, had to be lived through. Not until the curtain was raised in 1867, was the penalty of defeat seen in hideousness as utter as that revealed by the lifted veil of the prophet of Khorassan, In carrying the law into effect some of the registrars kept within the bounds of decent regard for their official duties, on the surface at least. But the majority gave a true interpretation to the radical policy and intent—proved fit instruments for a vengeful and abominable task. The following clipping from the Vicksburg *Herald* only differs from the rest in bluntness:

CARTHAGE, Miss., July 2d, '67.

Mr. Editor—Sir: We, the undersigned, would like to ask a question stated below. The facts we will swear to. We were in the registration office of "Neshoba" county when a negro entered for registration. One of the officers asked him if he knew the responsibility of an oath. He said he did. They then went through the form of administering the oath, etc., and handed him his certificate. After this one of them rose up and told him, "If any man interferes or insults you do you protect yourself; if you have any weapons about you or fire arms, do you kill him, for *I* would do it *myself,* and then go and report to the justice of the peace, and if *he* does not give you justice, report to *us* at Jackson, and *we* will lift him." The question is, is this the proper way to instruct the negroes of the South. If it is, we would like to know it. Yours, with respect,

J. H. GOMILLON,
S. S. HARRIS.

Residence: High Hill, Leake county, Mississippi.

While General Ord did not cease to manifest just and sympathetic consideration for the Southern people, certain of his acts at this period subjected him to hostile criticism. The act for which he was most condemned was the arrest and confinement to the guard house of Colonel W. H. McCardle, editor of The Vicksburg *Times,* who was charged with "obstructing reconstruction and resistance to the reconstruction laws." The offense charged consisted of criticism carried to the extreme of personal and vituperative attacks on General Ord. While the provocation was great, it would have been wisdom to have ignored it and trusted to the chances of reaction. An exceedingly vexatious issue grew out of it—one known in history as the McCardle case—and swelled to national proportions. While General Ord was bitterly censured for trying to "throttle the press," for using official power for satisfaction of personal insults, in another view it was his duty to punish an attack which threatened to lower his authority in public opinion. He had proved shortly before that he was a protector instead of a persecutor of the editorial right of legitimate criticism. In a letter severely rebuking the commander of the post at Camden, Ark., for not punishing an officer and soldiers of his command for sacking a newspaper office, he ordered the arrest and court martial of the guilty parties. They were brought to trial, convicted and punished with severity. In the letter referred to, to Colonel Gilbert, the commander of the post at Camden who had attempted a defense of the outrage, General Ord said:

> Your assertion that the military forces are not the servants of the people of Arkansas, but rather their masters, is unjust, both to the people and the military, and unfounded in fact. The military forces are the servants of the laws, and the laws are for the benefit of the people. Sec. 3, of the act of congress for the more efficient government of the rebel states makes it the duty of the military "to protect *all persons* in their rights of person and property, to suppress insurrection, disorder and violence, and to punish, or cause to be punished, all disturbers of the public peace," etc. So that instead of presuming to violate those laws, to gratify private revenge, troops are placed in Arkansas to insure their execution, equally upon and for the benefit of all.

The Vicksburg *Herald* is quoted, before the McCardle arrest: "He may as commander of this district have done things which in our opinion were unnecessary and unconstitutional by the laws under which he acts, but as a courteous gentleman and one desirous of performing his unpleasant duties with as little oppression as possible towards our people, we believe him to be above reproach, and certainly unsurpassed by any of his confreres."

The strained relations that had long existed between the President and Secretary of War Stanton were signalized August 12th by the chief executive's notification to the Secretary of his suspension from office. Stanton walked out under protest, denying the President's right under the recently enacted tenure of office act, to suspend him without the consent of the Senate. "But," as he stated in his protest, "inasmuch as the

General commanding the armies of the United States has notified me that he has accepted the appointment, I have no alternative but to submit to force." In a special message to congress the President dwelt at length on the Stanton case, relating its provocation and justifying his act as a constitutional right. While Gen. Grant was not enamored with the tender of the office, he acceded to the President's persuasion and accepted the ad interim appointment. Stanton's presence in the cabinet was naturally irritating to the President, all of whose predecessors had exercised the right of having friends and supporters in their cabinets. But as the sole obstructionist in it, Stanton was powerless to thwart or materially interfere with any executive acts or policies. In fact nothing was gained while much was lost through his suspension. The supplemental acts having gone beyond Northern popular wish, reaction was to be expected. Though irreparable injury had been wrought, without fresh fuel to keep up the fires of Northern passion they would have sooner burned out. So manifest was the dissatisfaction with their extreme course that the Republican leaders were apprehensive of a disapproving verdict in the pending state elections in the North. Thus the dictate of a wise policy was against further provocation by the President. Under such a situation it is needless to say that what he did to Stanton was what the Radical leaders wished. It was just the issue they needed in the campaign. But the worst of reopening his contention with the congressional majority, was in the impetus it gave to the impeachment case; joined with the final and, to the President, disastrous break it caused with General Grant. Having rid the cabinet of Stanton, the President used the axe on Sheridan, Sickles and Pope, commanders respectively of the 5th, 2nd and 3rd districts. Command of the states over which the three had tyrannized, and in which they were hated, was conferred upon Gens. Hancock, Canby and Meade, all soldiers of high character and just sentiment.

Against the removal of Sheridan, which was first made, General Grant, with whom he was prime favorite, protested vehemently, though vainly. "It is unmistakably," he said, "the expressed wish of the country that Gen. Sheridan should not be removed from his present command. * * * His removal will only be regarded as an effort to defeat the law of the land. It will be interpreted by the unreconstructed element in the South as a triumph." But the President could not so see it.

Not yet was the commander of the armies, Secretary of War, and specially constituted ruler over the military districts, to be persuaded to lock horns with the President to the limit of revolution, as he was urged by the radical press. The removals were not only boldly defiant of Republican sentiment, but of the intent of the reconstruction law that aimed at divesting the President of jurisdiction over the district commanders. The following from two radical papers tells what was expected of Gen. Grant:

From the Detroit *Press,* Radical.

"By implication and intent, the law gives General Grant power to resist the President in precisely such a case as the present, but not in direct terms. It places in General Grant's power the *privilege of insubordination,* if he chooses to accept the responsibility; but it still leaves a refusal to obey in the nature of insubordination. It tells the general, that if a crisis shall arise such that you think best to disobey the President, the *President shall be powerless to punish you,* unless the senate thinks you deserve punishment. In short, it *furnishes an opportunity* for the general, without imposing upon him a duty.

For a bold, ambitious general, trained in political as well as military tactics, this law furnishes a splendid opportunity. Such a man by refusing to obey the President's recent orders, and planting himself upon this law, could practically have made himself master of the situation, and dictator over reconstruction during the recess of congress; and, in this, sure of the enthusiastic support of the people, and of the gratitude of congress and the country, such a general could have retained Sheridan and Sickles in place, and blocked the President's whole game. Such a man General Grant is not."

From the New York *Tribune,* Radical.

"We want Grant to be with us, so essentially with us, *that we can lean upon his strong right arm.* We believe his heart is right; but he has himself to dread more than any other influence.

He has been too easy with the President, too good natured, too anxious to please, and so has been betrayed into false positions, to the detriment of the general welfare. We regret that he has consented to the removal of General Sickles; for there is an important principal involved in this case, quite as deeply as in that of Sheridan. If he has the right to object to the removal of Sheridan, he has the right to object to the removal of Sickles, and all the other district commanders. This is no mere technical quarrel about the wording of an order. It is a conflict of fundamental principles. Congress has imposed upon the general of the army the responsibility of seeing that the reconstruction laws are faithfully executed in the spirit in which they were framed. General Grant cannot throw off that responsibility upon Mr. Johnson. It is not enough for him to place himself upon record as an enemy of the President's policy. He has a strict duty to discharge toward the people who have confided to him his high trust. It is time for him now to be stern. He should know that the President means war, and that he cannot escape a sublime responsibility."

September 7th the President issued a proclamation enlarging the lists of persons and classes granted amnesty for participation in the rebellion. Under the acts of congress which left the recipients of executive clemency but little less the victims of a harsh and tyrannical government than those left under rebellion's ban, the proclamation enlisted neither appreciation nor attention. But as a historic foot note the proclamation is quoted from:

"The following persons and no others are excluded from the benefits of this proclamation and the proclamation of the 29th day of May, 1865, viz.:

"First. The chief or pretended chief executive officer, including the President and Vice President, and all heads of departments of the pretended Confederate or rebel government, and all who were agents thereof in foreign states and countries, and all who held or pretended to hold in the service of the said pretended Confederate government a military rank or title above the grade of brigadier general, or naval rank or title above that of captain, and all who were or pretended to be governors of states, while maintaining, abetting or submitting to and acquiescing in the rebellion.

Second. All persons who in any way treated otherwise than as lawful prisoners of war persons who in any capacity were employed or engaged in the military or naval service of the United States.

"Third. All persons who at the time they may seek to obtain the benefits of this proclamation are actually in civil, military or naval confinement or custody or legally held to bail either before or after conviction, and all persons who were engaged directly or indirectly in the assassination of the late President of the United States, or in plot or conspiracy in any manner therewith connected."

But that the making of voters out of the ex-slaves was so deadly serious, it would have been the farce of the age. Even as it was, the scenes of the registration stands furnished the people with a supply of humor that was tinged with tragedy. The ludicrous incidents compelled laughter in every county. The following from a write-up of negroes taking the registration oath for a Northern paper is typical:

> Throughout all the recital their countenances showed a desperate mental effort to keep their "holt" of the meaning, and during the reading of the main body of the oath the effort was measurably successful; but when the registering officer came to where the formula speaks of "an act supplementary to an act," the poor fellows become perfectly flabbergasted; like Twemlow, they found their intellects giving way under the severe strain, and they lapsed into mere outer darkness and collapse. When I afterward talked with them on the court house steps, I could not find one who had the faintest idea of the meaning or purpose of the thing, and the brightest of them all only knew that it was something—he knew not what—that was "de best for de country."

As the time drew near for the election, the adoption of a definite policy for the white voters to unite upon, grew imperative. There was no little inharmony of opinion upon the full realization of the congressional plan of reconstruction. The line of difference outcropped in the resolutions of two meetings held in Jackson, representing divided views of action. One called itself the "Constitutional Union party" and the other the "Conservative Reconstruction party." Both adopted patriotic platforms, declaring acceptance of the results of the war. The essential point of division hinged upon the course to be pursued in the pending election—to vote or not to vote. Both parties advised registration, but thereafter they divided. The conservative reconstructionist favored the nomination of candidates for delegates, with the view of controlling the convention provided in it. The objection to that course was that the law depended the holding of the convention upon the poll, for or against, of a majority of the registered vote. Hence every vote for delegate was forced to constitute one of such majority. The constitutional unionist contended for defeat of the plans of congress by registering and remaining away from the polls. They held that the result of an indefinite continuance of military government was preferable to reconstruction as proposed. This view had been greatly strengthened by the supplemental act, and the grossly inequitable apportionment of delegates, making a white convention majority impossible of achievement. In the convention at Jackson, October 15, it was resolved to seek defeat of the convention, which to be held required a majority of the rejected vote to be polled, by remaining away from the polls. Abstenation was urged from "any participation whatever, in the election, as we might thereby involuntarily aid in enforcing the military acts." This policy was not only true in principle, it was congenial to feelings. A radical convention, composd of negroes and carpet baggers, with a sprinkling of home whites, was held Sept. 10th, the first gathering of the new and spurious electorate ever held in the state. Their resolutions expressed devotion to congress and the Republican party, which had breathed into the negro electorate the breath of life.

General order number 31, September 26th, announced that registration having been completed, election thereunder would be held commencing the first Tuesday of November, and continue until all the precincts had been polled.

While the apportionment scheme had destroyed all chance of controlling the convention by a white delegate majority, the authority vested in the irresponsible and unscrupulous registrars "made assurance doubly sure." This closed and locked the doors on all probability of escape from the prescribed end. The arbitrary and unrestrained power of the registrars and the latitude for doctoring and, if necessary, falsifying the voting, is made plain in the following from the election order:

> II. In order to secure as nearly as possible a full expression of the voice of the people, the election will be held at each precinct of every county of the state in the district and—as required by law—under the supervision of the county board of registration. The method of conducting the election in each county will be as follows. Immediately upon receipt of this order, each board of registrars will meet—divide the whole number of election precincts of their respective counties into three portions as nearly equal in number as possible, and assign one of the shares thus made, to each registrar, who will be responsible for the proper conduct of the election therein. Thereupon each registrar will appoint a judge and clerk of election, who, with himself, will constitute the "commissioners of election" for all the precincts of his district. Each registrar will provide himself with a ballot-box, with lock and key and of sufficient size to contain the votes of all the registered voters in his largest precinct. Each registrar will give full and timely notice throughout his district, of the day of election in each precinct, so that he, with his judge and clerk, can proceed from precinct to precinct of his district, and hold election on consecutive days—when the distance between precincts will permit.
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> III. Judges and clerks of election will be selected by registrars, preferably from among the residents of their respective districts, but if they cannot be obtained therein, competent and qualified under the law, then from among the residents of the county, and if not attainable in the county, then from the state at large.

The election, marking the negro's first exercise in political equality, was held generally Nov. 5th, though in some counties it was strung out the remainder of the week. It passed without serious disturbance, the more easily as the whites remained away from the polling places, except in a few white counties where the plan of the constitutional union party was rejected. As calculated, many negroes were prevailed upon to remain at home. The handling of the returns, the delay in announcing the result, gave rise to strong suspicion that the ballot boxes were tampered with. The official promulgation of the election figures was held back for a month. "We were informed by one of the registrars," said the Vicksburg *Herald*, two days after the election, "that the votes will not be published until it is seen whether a sufficient number of votes have been cast to accomplish their purpose." For such a scheme the manner of the election was favorable. On the 14th, the same paper asked for the result to be promulgated and said: "We strongly suspect that the contents of the ballot boxes are being kept secret, with a view, if necessary, to stuff them up to the proper number." On the 26th of November it leaked out that the convention had been defeated, the *Herald* announcing from a "very well informed source," that only 62,000 of 133,000 registered voters had voted, or over 4,000 less than half. "This," said the *Herald*, "seals the fate of the Mississippi state convention." Much rejoicing that was proved unwarranted was indulged in. By hook or crook, by fair means or foul, a convention was secured, and on December 8 general order 37 recited that "a majority of the registered voters having voted on the question of conventions, the convention will be held as provided by act of congress, March 23, 1867, at Jackson, January 7, 1868," and that "the list of delegates and the full vote will be published as soon as practicable after they are correctly ascertained. The article is quoted:

> II. Irregularities in the conduct of the election in certain precincts of the states composing the district, having been reported to these headquarters, and the vote in those precincts having been suspended, to await official investigation, renders it impracticable to promulgate at the present time the list of delegates elected to the respective state conventions, as also "the total vote in each state for and against a convention."

The vague reference to "irregularities," the delay in a full and final promulgation of the election results, added to the suspicion of unfairness and juggling, that returns were held back to the end that there could be an inside ascertainment of the vote interchanged between the election officials. No one thought that the general in command, or any of the military in control were cognizant of any crooked work, if any there was. But throughout the registration and election, it was apparent that the officials conducting the same were receiving directions and had effected an understanding from Washington quite independent of the military. The Reconstruction Committee was not trusting to Gen. Ord for details or results.

Immediately on the official announcement of the election, December 11th, 1867, a convention of the constitutional union party was called for January 15th, 1868. An address was issued reciting that great evils threatened the citizens of the state in all their governmental rights, that the states of the South were foredoomed to become African provinces, civil order was paralyzed by the sword and all industry was demoralized. For the purpose of thorough organization, consultation and action—to restore constitutional government and order, and for perpetuation of the union, the people of the various counties were urged to meet together and send delegates to a state convention. The gravity of the occasion was not overstated. This threatened a feeling of despair to allay which the call was well timed. It gave assurance that in a period of darkest portents, of doubt and danger, the ship of state was not going to be abandoned to the fury of the elements of evil without a struggle. The particular motive of organization was for defeat of the constitution when framed and submitted for ratification by the "black and tan" convention.

December 27th, or nearly two months after the election, the list of delegates chosen was officially promulgated. Of 139,327 registered votes in Mississippi, 76,016 were alleged to have been polled, or a majority of 6,253. Of the total vote cast 6,277 were against the convention. Had these voters remained away from the polls, according to the policy adopted, the convention would have been defeated.

The point of this dispute and all others proved to be of no consequence. Other states that had no black voting majorities to strive against—Arkansas, North Carolina and Georgia—failed to elect a majority of anti-radical delegates to their convention. White voters of Mississippi took the only way that offered a possibility of defeating the reconstruction scheme in a black state; that of having a majority of the voters remain away from the polls. It was calculated that with the solid white vote following this plan, enough non-voting negroes might for individual reasons, or persuasion, be counted on to make it successful. The plan failed through its rejection by some six thousand white voters. But it was shown afterwards that such a plan of evading the net was fallacious. Alabama was successful in thus defeating her convention. But in the ensuing congress the law was retroactively amended; the provision of the reconstruction scheme requiring a poll of a majority of the registered voters to hold a convention, was changed to a majority of the vote cast. Then Alabama, which had defeated the reconstruction program according to the reconstruction law, was forced under the yoke with the other southern states.

The minority or conservative vote had the good effect of electing 19 delegates opposed to negro suffrage. The remainder of the hundred was divisible into three classes; the native white or scalawag, the Northern adventurer, or carpet bagger, and the negro. Of the latter there were only 17. At that early period of reconstruction, the black pupils were tractable to the wish and will of their white teachers, and were easily persuaded as a rule, to give place and precedence to their "benefactors." When friction arose, it was amicably adjusted—usually cheap for cash. A Bolivar county case will exemplify the rule. A negro nominee for delegate was traded or tricked out of his nomination by a carpet bagger, who blew into the county about the time the election was held. The name of him—the Rev. Jehiel Railsback—as well as the transaction, were suggestive of Puritan ancestry and training. The Rev. Jehiel's name was printed on the ticket, and the change was ratified at the polls without opposition. There were a few men, a very few, of this motley crew, of some honesty of purpose—possessed of an earnest, but sadly misguided faith, in the latent fitness of the negro for political equality. But by a large majority they were unscrupulous and venal, fit ushers in of the era of loot which the state was fated to pass through.

The effect of the triumph of the freedmen over their late owners, their object lesson in the power of the ballot, was marked and ominous. Work on the plantations had been largely given up for night meetings and discussions of their new prerogatives. Conceptions of the changed conditions grew into ideas of confiscation; that the whites were to be dispossessed of their lands and belongings, which would be bestowed upon their late slaves. This expectation received sustenance from the proposed confiscation bill. In some localities the evil seed germinated in a show of violence. In Lowndes county there was a mob demonstration upon Columbus, with the intent of pillage. The presence and attitude of the company of soldiers stationed in the town averted a race collision. General Ord acted promptly to check such symptoms of disorder. He conferred with Gov. Humphreys concerning the situation, and as a result of their conference, the Governor issued a proclamation December 9. He referred to communications received both by himself and General Ord and "referred to him for action by the department commander." "The communications," he said, "conveyed information of serious apprehension of combinations and conspiracies by the blacks to seize the land, expecting Congress to arrange a plan of division, but unless this is done by January 1, they will proceed to help themselves, and are determined to go to war." The proclamation assured the negroes that such expectations came from "gross deceptions, and if carried to the extent of outbreaks and insurrections there would follow the destruction of your hopes and the ruin of your race." The proclamation "to carry assurance," it said, embraced General Ord's instructions to General Gillem, which were peremptory and stringent. He was directed to send for and inform leading freedmen of their delusion and to arrest "all incendiaries falsely advising the freedmen" and that the "soldiers would put down violence by arms, that is, killing, if necessary." Governor Humphreys was assured that "the military will try to afford protection where civil authorities were defied and are too weak to protect." General Ord gave orders through General Gillem "for the arrest of all persons engaged in unlawful enterprise, and of all white men who should advise negroes to unlawful acts." Governor Humphrey's proclamation especially referred the negroes to the order of the military commander, that "you may no longer be deceived by restless spirits, white or black, that lure you to your ruin. You will now know that the military authorities are not in sympathy with any emissary that urges you to violence." He closed with an earnest appeal to the right thought of both races. The whites were enjoined "as they prized constitutional liberty for themselves, so they must accord to the black race the full measure of their rights and liberties under the constitution and the laws of the land to deal justly and in no case undertake to redress wrongs except where authorized by law."

The manifestations of disorder on which the information leading to Gen. Ord's order and the Governor's proclamation was founded, were sufficient to warrant precaution, but they had not reached the stage of "combinations and conspiracies." The information came mainly through the military and bureau authorities, and was conveyed to Gen. Ord, who passed it up to Gov. Humphreys, whose proclamation was timely in nipping in the bud any contemplation of violence. The unrest was not altogether the effect of political delusions. The material conditions of the people, and especially of the black counties, contributed to the demoralization. The condition of destitution, it is true, was largely brought on by neglect of crops for politics. The situation was thus referred to by Gen. Ord, and quoted in the Governor's proclamation: "The reverses of the past two years, the want of confidence in the future, of money, credit and food to support a large and unoccupied population, threaten the coming year to produce discontent, perhaps outbreak and violence, among the distressed. All such dangers should be anticipated, and the true lover of the country use his stronger mind to meet and provide for the emergency." This well timed and patriotic admonition was supplemented, as shown above, by similar counsel from the civil Governor. The honorable co-operation of the two heads of Mississippi government, at such a time of sectional intolerance and mistrust, forms one of the few pleasing features of reconstruction—one reflecting credit on both. On December 17th, in general order No. 27, the disorganized state of plantation labor received further notice from military headquarters. It gave notice that "all freedmen who are able will be required to go to work on the best terms that can be procured, if it furnish a support only. Otherwise they would lay themselves liable to arrest and punishment as vagrants." The civil authorities were urged to act in the matter, and were assured of being sustained by the military "in any just action." The effect of this order was wholesome upon a most depressing situation. The outlook was at this period particularly gloomy in the river counties. On the brink of ruin and collapse, though they were, the planters were forced to raise a fund for repair of the breaks in the levees from the overflow of the previous spring. A committee of citizens waited upon Gen. Ord to petition that their local tax for this purpose would not be interfered with. He assured them that there was nothing to fear of this sort, and that he only regretted that he was not empowered to render them assistance.

A year before the question was to secure money on which to grow a crop, and as far as possible, replace war's waste places. Now the supreme problem was to find the means of living. The debts representing the year's losses, piled on those existing at the close of the war, must wait. Fortunately, perhaps, debtors had not the least desire to foreclose—as an investment, nothing was less inviting than cotton lands. The following from the Jackson *Clarion* is a fair general reflection of Mississippi conditions:

> Our planters of cotton are in the midst of another season of profound disappointment and depression. Commencing the year's business after the utter failure of the one which preceded it, with money obtained at the ruinous rate of twenty-five per cent to purchase supplies, they have so far approximated the closing of the year's operations as plainly to see that their imagined prospects of remunerating results have disappeared; and worse, that they have realized nothing whatever from their investments and labor, and worse still, in very many instances, that they are clos-

ing up heavily in arrears to the merchants and capitalists from whom their accommodations were obtained.

This is not an overdrawn picture, thousands of men who are reputed to be the most frugal, thrifty and successful planters, are in precisely the condition we have last described. Very few can say that they are so fortunate as to have escaped without actual loss; and none we presume upon a fair balance of profit and loss will ascertain that the preponderance is on the profit side.

We need say nothing about the inefficient labor. Not a great deal was expected of the freedmen, and therefore on this score expectations have not generally been disappointed.

But there was "disappointment." The 1866 failure of crops was wholly due to the unfavorable summer and the army worm. The negroes worked better than expected. But in 1867, while the season was unpropitious and the army worm was destructive, a calamity year was crowned by political excitement which reduced negro efficiency far below 1866. "In Wilkinson county," according to the Republican, "the cotton crop which had fallen from 40,000 bales in 1860 to 8,000 in 1866, would yield no more than 4,000 in 1867." And that "the average would not reach over a bale to the hand." But this does not tell the whole story. Cotton was several cents lower than the year before. The crop failure was worst in the black counties where political activity was greatest. The following further reflection of planting conditions is quoted from the Vicksburg *Herald* and Madison (La.) *Journal*, respectively:

"Previous to the war we had the control of sufficient labor to work the lands, but things are quite different now, every one, we believe, who has attempted to raise large crops of cotton with the present system of labor, have become fully satisfied that it will not pay, and now, we would ask what the landholder intends or expects to do with his surplus land, allow it to grow up in weeds and depreciate in value every day, as it certainly has done for the past few years? It is no use to offer it for sale, the country is so thinly settled that no purchasers can be found. Now the only remedy we see for these evils is to increase the white population of the country."—*Herald.* "From present indications, there will be very little cotton planted next year, and consequently very little demand for labor. How our people are to be subsisted God only knows. The subsistence is not in the country, nor the means for obtaining it. Every bale of cotton must go to pay for the supplies of last year, and then a large balance will be left standing against the crop. We cannot expect merchants to make advances to us after having so signally failed for two years in succession, with our levees in no better condition than last year, and with no prospect of amelioration of any of the causes which have operated against successful planting."—Madison *Journal.*

The condition of the state materially was as deplorable as affairs political were forbidding. The crop failure had been quite as complete as the previous year. Inhabitants of the Delta, agriculturally a garden spot of the South, were in actual want for the necessaries of life. A Vicksburg paper of December 14, published that "Washington and the Delta counties are in a more deplorable condition than any other portion of the state. The planters generally have utterly failed in corn and cotton crops, and are unable to provide labor for the coming year. Negroes are now offering to work for food and clothing, and in many instances for food alone." A story published from Noxubee county, in the eastern part of the state, read that "on twenty-three plantations where the ante-bellum crop averaged 7,500 bales, 2,500 have been raised this year. The clear loss in their cultivation, without counting land rent, is over $200,000." But this was rather better than in the western part of the state. In Wilkinson, the lower river county, the situation was thus told in the county paper:

"It is estimated that there is not enough breadstuff in the county to last its inhabitants three months. This forces the reflection, what are people to do? The whites have not the money to buy food for the negroes; their capital has all been spent in the attempt to raise cotton the past two years. It looks as if the government, which forced freedom on the negroes, disorganizing them as laborers, and bringing on want and threatened suffering, does not come to their aid, many must starve. The land owners have been impoverished and they have nothing but their lands, and most of them are covered deep with mortgages. It is but right and proper that the government, which brought all this about, should come to their rescue."

While the season had been unfavorable, political absorption was very largely chargeable for the farming breakdown. On this point the same Woodville paper, of December 14, 1867, is quoted:

"One year ago relations between employers and freedmen were of the most amicable nature. Since then a most deplorable and ruinous change has been brought about by radical emissaries. The harm done can never be eradicated. Mutual distrust and ill-feeling have taken the place of helpfulness and good-will. The country is overrun with negroes seeking employment, which the planter, under the experience of last year, withholds. Stealing is of nightly occurrence, and the hunger fever has taken the place of political fever. It is useless to say the negro is getting no more than he deserves. The ax cuts both ways. In addition to disorganizing the labor of the South, the Government has crowned all the ills with the iniquitous cotton tax. Here relief could be joined with justice by refunding it. Such an amount distributed to the persons who paid the tax would go far towards removing want. In the year 1866 Wilkinson county, poor and impoverished as the planters were by war and its results, paid internal revenue tax to the amount of $180,000, and the most of it by far is this unconstitutional tax."

Like accounts of disaster and distress came from all over the state. Driven by hunger, the negroes so depredated on cattle and hogs as to threaten complete destruction to that kind of property. Public meetings were held to suppress such stealing.

The following report of General Gillem, as commissioner for Mississippi of the Freedmen's Bureau, is a faithful record of conditions prevailing:

CONDITION OF THE BLACKS IN MISSISSIPPI—OFFICIAL REPORT OF MAJOR GENERAL GILLEM—BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS.

Office Assistant Commissioner for the State of Mississippi,
Vicksburg, Miss., Dec. 10, 1867.

Major-General E. O. C. Ord, Commanding Fourth Military District:

General—I feel it incumbent upon me as Assistant Commissioner of Refugees, Freedmen and Abandoned Lands for this state to represent to you the present condition of the freedmen and planters, and their prospects for the future.

At the close of the war cotton, heretofore the great staple of the South, commanded what was regarded an enormous price, say from forty to sixty cents per pound, the result of which was to cause a large amount of capital from the North to be invested in the production of cotton. Labor, of course, commanded a price comparatively beyond what had hitherto been known in the planting and farming districts, ranging from $15 to $20 per month, with rations for first-class field hands.

The short crop of 1866 dispelled the illusion entertained by many capitalists of rapidly accumulating a fortune, and in many cases utterly ruined planters and adventurers, who had invested their all in a single crop. Yet there was a sufficient number who regarded their losses as the result of an exceptional season, added to the number of landlords who determined to risk the results of another year's planting to maintain the high rate of wages of the previous year, and the contracts, where wages were the consideration, ranged from fifteen to twenty dollars per month; and where land was tilled on shares the planters agreed to furnish the land, animals, utensils, and in many cases forage, the freedmen furnishing the labor. In most of these cases the laborer, having no subsistence and no credit, the planters agreed to become responsible for the supplies necessary for the laborer and his family, the amount to be deducted from the share of the laborer when the crops were gathered.

In consequence of the dry weather and worms the crop of 1867 has not exceeded half of what was reported as an average crop, and that has commanded but one-half of the price of the previous year, thus reducing the proceeds to one-fourth of what was anticipated by the planter and freedmen as the proceeds of the year's labor. The result is the financial ruin of the planter and the capitalist and discontent of the laborer.

In cases where laborers worked for stated wages there is but little complaint or discontent on the part of the freedmen, remuneration having generally been received by the laborer, either in money or supplies, or if not paid the claim can easily be adjusted and adjudicated, and if the planter has the means the claims can be collected. Where the laborer has worked for a share of the crop endless litigation has been the consequence.

The laborer, without means, has generally been furnished the necessary supplies by the planter or on his security. On gathering the crop it has in a majority of cases been ascertained that the share of the laborer does not pay his indebtedness for supplies advanced, and instead of receiving a dividend he is in debt. This causes great discontent, and a conviction, perhaps well founded in some instances, of dishonesty and false accounts on the part of planters, but this cannot generally be the case. Instances have occurred where the planters have entirely abandoned the crop to the laborer, losing their time, the use of their animals and implements and the supplies advanced. Cases have been brought to my attention of planting where not only the entire crop has been turned over to the laborers to satisfy their claims, but also the mules and implements used in their production. The result of this condition of affairs, is the almost universal determination of planters to abandon the culture of cotton, and even if they wished to prosecute it another year it would, I apprehend, be impossible for them to procure further advance of the necessary supplies from any merchant, so prevalent is the conviction that cotton cannot be produced at the present prices.

The next year the land in cultivation will be almost entirely devoted to corn, which requires but about one-fifth of the labor demanded by cotton, therefore four-fifths of the laborers required last year will be thrown out of employment, and, of course, there will be a corresponding decrease of wages. This the freedmen do not appreciate, considering it the result of a combination to defraud them of what they consider just wages. The consequence is they almost universally decline entering into contracts for the year 1868 on the terms offered by the planters.

The crop of 1867 having been gathered, the freedmen are now idle, and without, in a great majority of instances, means of support. The result is great complaints from every section of the state of depredations being committed on live stock, hogs, sheep and cattle. This is now the condition of affairs in the state of Mississippi.

Planters are without means, having little left them except their lands. Capitalists beyond the limits of the state refuse to make advances from the unsettled condition of affairs. The freedmen being to a great extent discontented refuse to enter into contracts for the coming years. The remedy to be applied demands most thorough and immediate consideration. For the military, either through the commanders of the troops or agents of the bureau, to reach all sections of the state, to see that all persons able to earn their support are compelled to do so, and that all those who do labor receive compensation for the same, is simply impossible. The care of the poor and the duty of seeing that contracts are faithfully executed properly devolves upon local magistrates and higher courts.

How far it is safe, under the peculiar condition of affairs existing in this state, to trust the civil authorities with this duty it is for you, to whom the act creating the district intrusts "the security of life and property," to judge. To empower the local magistrates to arrests as vagrants all persons without visible means of support would, no doubt, lead to acts of injustice; but the civil authorities being recognized and intrusted with the execution of the civil law, collection of taxes and the care of the poor, it would seem to be a necessary consequence that, as a protection to the country, they should have authority to compel all who are able to support themselves, and thus prevent them from being a burden on the country. To deny the civil authorities the exercise of their right is to place the freedmen above the recognized government of the state.

It is a matter of very grave doubt whether in the present condition of affairs, the civil authorities, unaided by the military, will be able to maintain order and execute the law. Civil process can only be served in the ordinary manner where offenders are the exception and the law is sustained by public opinion; but in the present ruined condition of labor in this state thousands are without labor and must subsist; consequently depredation is the rule and honesty the exception; while, on the other hand, to treat as vagrants four-fifths of the community is simply impracticable.

But these are matters for your consideration, and of the law-making power rather than for me, whose functions are entirely executive; and to you I submit the case merely with the surmise that it will be impossible to inaugurate any system for the relief of the blacks which is unanimously approved by the whites.

There is another subject worthy of attention in this connection. There seems to be a widespread belief which is daily increasing among the freedmen, that the land in this state is to be divided and distributed among them, and in some sections of the state this illusion is assuming a practical form by the freedmen refusing to contract for the next year or to leave the premises they have cultivated this year.

It is to be feared that this course, induced by evil-disposed advisers, may lead to collisions, the extent and result of which it is difficult to surmise.

I receive almost daily petitions and memorials asserting the existence of organized companies of freedmen, and asking the presence and protection of troops, and although I am satisfied that these representations are generally the result of fear and exaggerated rumors, yet the commanders of troops and agents of the bureau have been instructed to urge upon the freedmen the absolute necessity of abstaining from armed demonstration; that they will be protected in their rights, but that they must not seek redress by force or violence.

In order to avoid, as far as possible, bringing the races in collision with each other, I have advised whenever practicable, the "posse" summoned to assist in an arrest shall be of the same race as the person arrested.

I am, General, very respectfully, your obedient servant,

ALVAN C. GILLEM,
Brevet Major General, Commissioner.

This report throughout, bears testimony of the weakness and odium of the condition dictated by blind groping, and vindictiveness. It tells this further story: That the Southern people were honestly seeking to adjust themselves to it—to make bricks without straw. General Gillem makes and implies, no charge or statement of violent practices, of a spirit of hostility toward the negroes by the sorely tried whites. These things came after as fruits of the rapacity and frightful misrule to which they were subjected.

The destitution and dejection of the Southern people attracted scant sympathy at Washington, or in the North. Based upon a recommendation by Commissioner of Internal Revenue Welles for the repeal of the cotton tax, that question was the one of chief congressional consideration from the opening of the session until the adjournment for the holidays. The report of the commissioner is quoted from:

WASHINGTON, Nov. 23.—Commissioner Welles' report shows that when cotton was taxed three cents the price was forty cents, and when taxed two and a half cents the price was twenty-five. The cotton tax was called for and only defended on the ground of necessity, and should be repealed when its continuance should prove a serious impediment to home production, or an undesirable stimulus to foreign cultivators. The contingencies are now imminent.

The whole amount of internal revenue derived from the tax on raw cotton for the fiscal year, is given at $23,879,078.80; and although this sum comprises nearly all the revenue derived from the Southern section of the country and constitutes an amount that can ill be spared from the Treasury; yet, under all circumstances, the Commissioner has no hesitation in recommending the immediate passage by Congress of an act repealing the entire tax upon raw cotton and the corresponding existing duty on imported cotton—the same to take effect on its passage."

The commissioner's recommendation was supported by petition and representations of eastern mills, exporting houses and several boards of trade. Appeals were made for repeal as a relief to the need and destitution of the negroes of the planting country. The tax bore with double severity through the low price to which cotton had fallen; the minimum price of the previous year's crop having been 32 cents, while that of 1867 was 15½. Asking for bread the South was given a stone—repeal was defeated by an amendment to take effect with the crop of 1868. This was accompanied by reproaches and revilings. "If the Southern people," said Mr. Conkling of New York, "had sacrificed swaggering and talking about representation in congress, and gone to work to build up their impoverished section they would today have been much happier, and so would we. If this tax was taken off it would wipe out twenty millions of revenue, and we know not where to go to replace it."

Radicalism was now supreme—the leaders united and determined to consummate and securely establish Southern reconstruction on the basis of negro suffrage and political ostracism of the "disloyal." The entreaties of the vanquished and the remonstrances of Northern conservatism were vain. Congress was resolved upon a policy of vengeance. The President having appealed to the country and lost, and having fully tested his impotence in the previous session, could only protest in appeals to the constitution. While this duty was performed with dignity and ability, through his message there sounded a note of despair. Confident in their power to override his votes, the opposition of the chief executive met with contempt. This feeling was so little checked by respect for the presidential authority that the secretary of the senate and the clerk of the house were encouraged to give vent to their aversion, while reading the message, by derisive comments and gestures. Their unseemly conduct, tacitly approved by the leaders, suggests a comparison with the horse play in which Cromwell and other members of parliament engaged while the life and death poll was being taken against Charles the first. The reply of congress to the message was a resolution of impeachment for high crimes and misdemeanors, based on report of the judiciary committee, which had been directed by resolution in the previous session to investigate charges preferred against the President. This was the second resolution of this character. But the time was not yet ripe. It failed, when brought to a vote December the 7th.

Before the assembly of the convention, whose creation he had under the law directed, General Ord was relieved of the command of the district. The duties of his position had been both difficult and disagreeable for him. There were occasions in the performance where he had incurred very severe censure and complaint from the people and the press of the state. In the prevailing state of feeling, and in the operation of so repugnant a policy, one that outraged sense and sentiment, this was inevitable. But fair and unprejudiced judgment will credit General Ord with having executed the law, and administered the affairs of the state, with as much consideration for the rights and the feelings of the white people as his measure of discretion permitted. That he desired to exercise a larger leniency was shown in a restrictive order upon the powers of the county registers, which was promptly overruled by General Grant. The spirit of General Ord's administration was reflected in the friendly relations between the military and the whites, during his command. The following is from the Woodville paper a few days after the election:

> "Marching Orders: The troops stationed here for some months past have marching orders for Natchez where they will go into winter quarters. We are sorry to lose Lieutenants Haller and Taylor and their company, which is one of the best and most orderly in the service. We wish them well wherever they go. There is a probability that an agent of the freedmen's bureau will be retained here supported by a guard under Lieut. Taylor. Our citizens will be glad to have him remain with us."

Since the passing of the years of war hate and sectional persecution, no patriotic American has read their history with other feelings than humiliation and abhorrence of the leadership that shaped reconstruction. That the all powerful North should have dealt out such treatment to her prostrate Southern brother is cause of amazement as well. A confession of the cruel abuse of power that succeeded the Confederate collapse is quoted from a lecture a quarter of a century after, by an eminent citizen, who was a gallant soldier, the Hon. Charles Francis Adams; delivered before the great English University at Oxford, in 1890:

"Because, as the outcome of our War of Secession, and as a penalty for what was done by individuals in the course thereof, no blood flowed on the scaffold, and no confiscations of houses or lands marked the close of the struggle, it has always been assumed by us of the victorious party that extreme, indeed unprecedented, clemency was shown to the vanquished; and that, subsequently, they had no good ground of complaint or sufficient cause for restiveness.

"That history will accord assent to this somewhat self-complacent conviction is open to question. On the contrary, it may not unfairly be doubted whether a people prostrate after civil conflict has often received severer measure than was dealt out to the so-called reconstructed Confederate States during the years immediately succeeding the close of strife.

PENALTY IMPOSED ON CONFEDERATES.

"The Confederate, it is true, when he ceased to resist, escaped this visitation in its usual and time-approved form. Nevertheless, he was by no means exempt from it. In the matter of confiscation, it has been computed that the freeing of the slaves by act of war swept out of existence property valued at some four hundred millions sterling; while, over and above this, a system of simultaneous reconstruction subjected the disfranchised master to the rule of the enfranchised bondsman. For a community conspicuously masterful and notoriously quick to resent affront, to be thus placed by alien force under the civil rule of those of a different and distinctly inferior race, only lately their bondsmen and property, is not physical torment, it is true, but that it is mild or considerate treatment can hardly be contended. Yet this—slave confiscation and reconstruction under African rule, was the war penalty imposed on the states of the Confederacy."

The sketch is incomplete in omitting the carpet bag factor in the reconstruction policy—the basest of the Northern invaders, whose itching palms spoiled the prostrate states of millions. Though even as a famous Greek painter, while placing the death agonies of the slave of the rack on canvass, lamented that he could not paint a "dying groan," it is not possible to convey in words the greater than "physical torment" of the rule of a proud people by their former slaves.

Apart from its brutality, "the penalty imposed on the states of the Confederacy" was so palpably vain and doomed to defeat itself, as to eternally condemn the foresight, the statesmanship of those who imposed it. None but men blinded by vindictive revenge, or a shallow and short-sighted partisanship, would have calculated on the staying quality of government of the Southern states that so wickedly disregarded feelings that were inseparably interwoven with the very life of the people. Hence they sinned against both nature and light. The underlying and everlasting principle they violated is eloquently presented by that great writer of the truths of political philosophy, Herbert Spencer. The following is quoted from a letter written to an American friend upon our government problems:

> "Everywhere I have contended, and I contend still, that feelings not ideas determine social results—that everything depends, not upon intellect, but upon character. When men are under the influence of profound feelings no amount of reason changes their behavior. A true theory of social progress is not a cause of movement. The force producing movement is the aggregate of men's instincts and sentiments. These are not to be changed by a theory. You think I have got some message that staves off impending events: I have but one message: Be honest."

These reconstruction acts ran counter to every dictate and prompting of this wise and noble message—"feelings" were violated, "instincts" suppressed, "character" mocked and trampled on at the behest of a hate inspired "theory." Honesty and truth were trodden under foot, in the fullness of time to turn like the worm upon the oppressors with resistless force. "On the use," wrote Macaulay of England's restoration of monarchy, "which might be made of one auspicious moment depended the future destiny of the nation. Our ancestors used the moment well. They forgot past injuries, waived petty scruples, adjourned to a more convenient season, all disputes about the reforms which our institutions needed and stood together, Cavaliers and Roundheads, Episcopalians and Presbyterians, for the old laws of the land against military despotism." This is a tribute—that their "ancestors used the moment on which depended the national destiny well"—that posterity will never pay to the political architects and arbiters of 1866. Indeed before the last of them passed from the stage, they were made to realize that they had done evil in the land—the evil that lives after the evil doers are no more.

We need not go to Macaulay for a historic contrast with the baleful and hate inspired policy to which the nation was irrevocably committed in 1866, and that was written in the statutes and the organic law in the ensuing year. Tory hate was a fact that threaded the seven years of the war of independence. Many of the "renegades" served in the British army. Thousands of them fled the country, and were living abroad. Their property had been confiscated. And yet when peace descended on the land, "in one auspicious moment" in January, 1784, immediately upon the conclusion of terms with Great Britain, "our (revolutionary) ancestors used that moment well." Congress settled the Tory status by the following nobly inspired resolution:

> "Resolved, unanimously, that it be and is hereby earnestly recommended to the legislatures of the respective states to provide for the restoration of all established rights and properties which have been confiscated, belonging to real British subjects. * * * And it is also hereby earnestly recommended to the several states to reconsider and revise all their acts and laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equality, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail."

At the time when emancipation was proclaimed Louis Agassiz, one of the world's foremost scientists, and then filling the chair of natural history at Harvard, wrote a letter of warning which was published, of the negro's inefficiency and unfitness for social and political equality. Its close is quoted: "No man has a right to what he is unfit to use. * * * I deny that it is just or safe to grant at once to the negro all the privileges which the whites have acquired by long struggles. History teaches us what terrible reactions have followed too extreme and too rapid changes. Let us beware of granting too much to the negro race in the beginning lest it be necessary to deprive them of some of the privileges which they may use to their own and our detriment." Commenting on this letter, historian Rhodes said: "What the whole country has only learned through years of costly and bitter experience was known to this leader of scientific thought before we entered on the policy of trying to make negroes intelligent by legislative acts. And this knowledge was to be had for the asking by the men who were shaping the policy of the nation."

In the true historian, how appropriate would it have been to extend the range of the Agassiz testimony. All Southern men of intelligence knew of their own experience and observation the truth to which this "leader in scientific thought" bore witness. And so knowing, their uncompromising though despairing opposition to the grant of "a right to the negro he was unfit to use," and that, while granted by the nation, its misuse, and the "terrible reaction" was to be at the eternal injury of the states, is justified as patriotic and self-preservation duty. With all "this knowledge to be had for the asking," what a crime was its rejection!

The convention devised by the radical congress, given force and effect by the military power, and endowed with official form and substance through the suffrage of the late slave population, assembled as called January 8, 1868. The chain of the long forging links was finished and ready for shackling the prostrate state. The instruments of action were worthy of the architect, and the work proved worthy of both. The gathering of the evil contrived body formed a spectacle for abhorrence and dismay, which was well sustained by deeds whose ills will long outlive the last survivor of the Mississippi constitutional convention of 1868. The convention and its record is always to be remembered as conceived and created by Northern radicals—upheld by a vindictive sectional hate. In their infliction of acute and cruel punishment of a people, there is nothing like, or comparable with, the plan of negro rule over the Southern states—nothing in ancient or modern history. In severity of moral torture, and as seeds of enduring ills, no exaction of blood atonement could have borne so heavily. That the agents of the cruel and cowardly policy finally transgressed beyond tolerance, furnishes no contradiction of the culpability of the North for every crime and curse that was loosed from the reconstruction Pandora's box. No lies of logic and no lapse of time can obliterate this. The evil done the South forms the secret of the survival of sectional hostility in the North. The South would outgrow the sense of injuries done her, but whenever a Northern conscience reflects upon the inexpiable baseness and outrage of reconstruction, remorse and shame will seek diversion in reviling the South.

The 1868 constitutional convention bore the first fruits of negro suffrage. Upon the Northern aliens were then applied the stigma of carpet baggers. While the convention journal included no classified list in a record so scandalous that the meanest of its architects did not view it with pride, the following is given from newspaper files: Nineteen conservative or Democratic whites, seventeen negroes, some from the North, thirty-three "scalawags," or resident white radicals, and thirty-one carpet baggers from a dozen or more of the Northern states. The first of the four divisions were futile obstructives. What a malicious mockery to delegate the making of the organic law of a state to the other three!

The chief descriptive of a memorable chapter of history, "carpet bagger," hit the bull's eye of popular fancy and spread over the land almost in a day. Even as the term is destined to long life, it should, as far as possible, be stripped of error. It had, in fact, little literal application. The office seeking Northerners who were so dubbed proved themselves a tough lot. But in truth and in fact they were almost entirely composed of officers and soldiers who were stationed in the Southern states at the close of the war. Nine out of ten were far better acquainted with knapsacks than carpet bags.

Many of the tribe, in fact the most of them in the river sections, where the pickings were most lucrative, were discharged from the army late in 1865 or early in 1866. Through their control of negro labor they were sought as managers or became partners with the plantation owners. This was especially true of this state, Louisiana and Arkansas, where they were practically all engulfed in ruin in 1866, the most calamitous cotton growing year ever, if we except 1867. Up to this time it may in justice be assumed, they had no other thought than to cast their lot with the South, to become absorbed in her citizenship. Until the election of 1866, and the assembling of congress thereafter, negro suffrage and Southern loot were remote and uncalculated contingencies. But as the visions and dreams of quick wealth through high priced cotton floated from them on the closing tides of 1866, congress held out to the stranded Northern waifs with their negro and scalawag affiliates, a far more substantial and alluring cornucopia of the harvest of the future.

In words that were not without passages of sinister and portentous significance, the motley crew of many climes was called to order by Alson Mygatt, a Warren county delegate, who belonged to the scalawag contingent. "The last sand," he said, "has fallen from the glass of the old times dispensation, and they have gone to return no more forever. We meet then in this culminating hour under circumstances of great responsibility." The convention's central idea of responsibility was not slow of development. Among the first resolutions introduced was one for a committee to wait on the state treasurer and "learn what is proposed to be done in reference to the payment of the delegates of this convention, and report herewith." In the handful of conservatives were men of quick wit, wise thought and strong character. Appreciation of the weight of their responsibility did not extinguish a sense of humor that found plenty of food in the performance of a most grotesque gathering. A resolution of thanks being offered to the congressional committee for a manual of the constitutions of the different states, Delegate Townsend, of Marshall county, moved to amend by a preamble reading that: "Whereas, in all the constitutions but six the word white is given as a qualification for electors, and in three of the remaining six both an educational and a property qualification is required, that this convention, in adopting a constitution for Mississippi will imitate the example of nine-tenths of the states of this union." The amendment was not adopted. Another Marshall county delegate, Dr. Compton, came near being expelled for a satiric minority report on the convention's fees and compensations.

Supersensitive delegates had their pride of race and state seriously wounded, by the joint proclamation of the miltary and civil governor—noted on a previous page. A resolution appointing a committee to air their grievance elicited the following explicit statement of the circumstances under which the proclamation to which they excepted was issued:

Executive Department,
State of Mississippi,
Jackson, Jan. 18, 1868.

Sir—Your note of the 17th instant informing me of the appointment of a committee by the convention, to investigate the truth of the rumor of combinations of evil disposed persons in the state to seize lands, etc., coming from persons of high social and official positions, upon which my (your) proclamation of December 9, 1867, was founded, and respectfully requesting me to furnish (us) the committee with whatever information I (you) may be in possession of touching the subject of said proclamation, and the names of the persons supplying me (you) with the information above referred to, was handed to me late yesterday evening by the assistant sergeant-at-arms, of the convention.

I presume you do not expect me to admit that the convention now in session in this city, by virtue of the "military bills, passed by congress, has any constitutional right to require me to account to it for my administration of the civil government of the state of Mississippi. I, however, acknowledge the constitutional right of all and any portion of the citizens of the state, in a peaceable manner, to assemble together for their common good, and apply to those vested with the powers of government for redress of grievances, or other proper purposes, by petition, address or remonstrance, and the correlative duty of all civil officers to furnish them all the information in their possession that pertains to their welfare and happiness, when respectfully requested to do so.

I have no secrets I desire to withhold from any class of our people, white or black. My proclamation of the 9th of December, 1867, was issued at the urgent request of Gen. Ord, commander of fourth military district, and all the information I have on the subject you desire to investigate, was received from and through him, except a few letters received from prominent citizens, which I referred to him as soon as received, and which I presume are now in his possession.

For obvious reasons then, I must refer the committee to him, and if in his judgment a revelation of the sources of information will not be an act of bad faith to the informers, white and black, or prejudicial to the public service, and will authorize a publication of all the communications, public and private, I will cheerfully comply with his instructions on the subject.

Very respectfully,
Benj. G. Humphreys,
Governor of Mississippi.

To A. Alderson, Chairman of Committee.

The committee then proceeded to interrogate the military commander with the following result:

Headquarters 4th Military District,
Mississippi and Arkansas,
Vicksburg, Miss., March 17, 1868.

Hon. A. Alderson, Chairman Committee Constitutional Convention of the State of Mississippi:

Sir—I am directed by the general commanding to acknowledge the receipt of your communication of the 24th ultimo., asking to be furnished with any information in his possession upon which the proclamation of his excellency, the governor, referred to by you was based, and in reply thereto, to inform you that the general commanding, upon due consideration of the character of the reports made to his predecessor, Gen. Ord, upon which the action was taken, finds that they partake of a confidential nature; also, with regard to the considerable evil and little good that would seem to result from their publication, he decides that it would be incompatible with his duty to comply with your request. At the same time, the commanding general desires to inform you that he never shared in the belief that insurrection was meditated by any class of the inhabitants of this state.

I am, sir, very respectfully,
Your obedient servant,
John Tyler,
First Lieut., 43d Inf., Brevet Major U.

Early in the session the convention considered a bill of rights, two sections of which signified the alien and irresponsible characacter of the delegates. One of these, Section 24, declared, that "No person elected to any office of honor, profit or trust shall be required to give bond." Section 31 gave to the employee a preferred lien on the property of the employer.

The convention initiated the discharge of its responsibility by providing for a small army of placemen. A per diem of ten dollars was fixed for the delegates. This was eked out by munificent investment in all of the various articles listed as stationery. Each member was voted five daily papers. On the basis of this provision, and the fees for publishing proceedings, several Republican papers were founded. The convention was afforded a tangible acquaintance with the "long looked for hour" whose arrival had been announced in the opening address, by a mileage fee of 40 cents each way. The common idea of jurisdiction went far beyond the making of the constitution. Immediately after organization a resolution, looking to a sale of all the state's public lands, was adopted. Had this proved practicable, it would have furnished great picking. By a vote of 59 to 29 the convention, on the fourth day of its service, adopted a resolution memorializing congress "to confer on this convention the power to declare vacant all civil offices in this state, and to invest the appointing power in this convention, in order that all said offices may be filled by men of known loyalty to the government of the United States."

The lengthy memorial recited that the "civil government, so-called, organized in 1865, was administered by rebels, not in name merely, but in heart, in head, in policy, indeed in all respects save open hostility." An amendment offered by Delegate Strickland of Tippah, proposed to change the preamble so it would read: "We, the carpet baggers and scalawags of Ohio, Vermont, Connecticut, Maine, Africa, etc., etc., do ordain and proclaim this to be the document on which we predicate all our hopes for the success of the radical party." But the memorial was not meant as a joke. A bill granting the power asked by the convention was introduced into congress by Congressman Benjamin F. Butler of Massachusetts. It was not adopted, for while the memorial only asked what congress intended and had legislated for, it went too fast. The plan of the policy provided for alien local government, through and after the adoption of the state constitution. For this the "carpet baggers and scalawags" comprising the convention, were too greedy to wait.

Attempted transgressions by the convention provoked frequent clashes with General Gillem. One arose over a scheme for robbing the state through the tax ordained for defraying the expenses of the convention. The tax schedule that it embraced would have yielded a sum vastly in excess of even the extravagant scale of the cost of the convention. Fortunately for the state, President Johnson had assigned them a military commander who steadily imposed his authority against the convention's schemes of spoliation. He being appealed to by a citizen committee against the tax ordinance of the committee, declined to interfere directly, but in declining suggested a resort to the courts. This course was adopted, and an injunction was granted on the ground that the ordinance was in excess of the authority conferred in the reconstruction acts. Against this injunction the convention appealed to General Gillem. He refused to overrule the court, but stated that an ordinance that did not violate the act would be supported, and such an one was substituted for the other. General Gillem furthermore instructed that the collection of the convention tax be delegated to the county sheriffs and tax collectors; the convention to make places for another swarm of locusts, having provided for special collectors. Before accepting the admonition of moderation, the convention adopted a noteworthy resolution appointing a committee of three "to proceed forthwith to Washington and confer with the general of the army, the secretary of war, and other heads of departments and represent to them the true state of affairs in Mississippi. And that the committee have full power and authority to request a loan of $100,000 from the United States for the use of the convention, to be refunded from the state taxes, and to pledge the full faith and credit of the state of Mississippi for the same." By resolution a letter was addressed to General Grant February 13th, reciting that "the commander of the district had postponed decision in enforcement of the tax ordinance, and as it was impossible to enforce the provision of said ordinance without assistance and concurrence of the commanding officer of the district, the constitutional convention of the state of Mississippi, in convention assembled, respectfully ask that you issue an order commanding him to prohibit the courts from interfering in the collection of taxes levied by said convention ordinance." This passage from the record sheds luminous light upon the convention's thirst for plunder, lack of conscience, or any right comprehension of the character of its duties. Another memorial was sent up to congress, asking it to extend the life of the freedmen's bureau, which was limited by law to July 1st, as the freedmen are yet subjected to much injustice and persecution at the hands of former rebels and slave holders, and the freedmen, with but few exceptions, fail to receive justice." It was asked that if the petition were granted that there should be inquiry into "the character and sympathies of many of the officers and agents." Showing that there were limits even to this convention's fantastic tricks, a resolution further asking for concurrent jurisdiction in the removal of political disabilities under the 14th amendment, was rejected.

Under pretense of relieving the hard times, there were a number of measures framed by the reconstruction convention to make the white people of the state parties to their own shame. The robbery of private debtors under the cover of laws repudiating or staying the collection of debts was sought. Such attempts at legislation received no countenance from Gen. Gillem. After appointment of the standing committees, the convention devoted its sittings to promiscuous debates and wranglings. On the 21st day of the session Delegate Johnson of Warren was inspired to introduce a resolution reminding the convention of what it was there for. That "its time had been wasted in idle discussion of topics very remotely, if at all, related to the subject of its call," and that a constitutional making committee be elected "to report in three days." Instead of adopting this direct, if summary, order of business, the convention proceeded to declare "null and void" all the laws passed, all the acts and supplementaries which had been passed by the previous legislatures, and conventions of this state, except vested laws granted prior to the passage of the ordinance of secession and all laws relating to marriage contracts, and that an ordinance be reported accordingly. A resolution with a lengthy preamble appears in the journal denouncing the doctrine of states rights, and that the ordinance of secession is and always has been null and void. An ordinance was adopted concerning the names of Jeff Davis and Lee counties. Being named for "rebel leaders" they were "utterly abolished" and Jones and Lincoln substituted, and thus was fulfilled the fable of the sick lion kicked by the base donkey.

The ideas of government taught the newly enfranchised by this convention was calculated to produce confusion worse confounded. The journal it left behind it is streaked with buffoonery and turpitude. Delegate Gibbs, a Wilkinson carpet bagger, who afterward held the important office of auditor, introduced a resolution reciting that "whereas in many portions of the state employes were taking advantage of the destitute condition of the laboring class to make contracts abusing the rights and privileges of free men; and prohibiting the laborers from attending political meetings, resolved that the committee on general provisions be instructed to prepare an ordinance declaring all such contracts null and void, and that any one making them shall on conviction be fined not less than 100 or more than 500 dollars, and be disqualified from voting or holding office for five years. Another aspiring statesman, J. Aaron Moore of Lauderdale, offered a resolution "to divide the police of every incorporated town or city equally between loyal whites and colored citizens. It was significant that a resolution prohibiting intermarriage of the races under a heavy penalty was sustained—only ten votes being cast in favor of tabling it. Instinctive race proved stronger than politics.

Another looting device was to raise a fund for relief of the distressed. A committee appointed to investigate the situation submitted its report February 14. This told of an "alarming situation of destitution among the laboring classes," and "to some extent among other persons strangers to labor and economy. * * * The number of suffering and destitute may be set down at 30,000." It was asked that "the poll tax collected or to be collected be held subject to the order of county commissioners, to be appointed by the convention, to be applied by them to the relief of the destitute." In declining to sanction the robbery of the state contemplated under the convention's plan of relief to the destitute, General Gillem stated that he had thoroughly investigated the subject, and while there was "destitution and perhaps some suffering * * * measures have been adopted which will relieve all actual suffering." The General's experience had taught him the danger of government relief—that unless applied with utmost care it would add to, instead of alleviate, the unhappy condition, and he informed the convention that the main feature of his plan of relief was that the demand for labor be fully met before making up a pauper list. No better method of relieving distress which was so largely a question of vagrancy could have been devised. Had the convention's plan been adopted, the state would have been converted into a vast poorhouse. For one genuine case of suffering ten negroes would have been pauperized. Land owners would have been irretrievably bankrupted, while the convention vultures would have fattened on the offal of ruin. For its instructive light on the industrial situation, General Gillem's letter to the convention and the accompanying documents are given:

HEADQUARTERS, FOURTH MILITARY DISTRICT,
Mississippi and Arkansas,
Vicksburg, Miss., Feb. 1868.

Hon. B. B. Eggleston, President Mississippi Constitutional Convention, Jackson, Miss.:

Sir—I am directed by the general commanding to acknowledge the receipt of a copy of a report of the committee of the Mississippi Constitutional Convention on Destitution, adopted by your convention February 4, 1868, and also a copy of a resolution by your convention, requesting Brevet Major General Gillem to carry out the plan of relief recommended in said report, or "some other similar one," and in reply, to inform you that he is aware that, by the failure of the crops and the reduced price of cotton—the principal staple cultivated in some sections of this State—many landholders will be compelled to plant on a more limited scale this year than was done last, and that there is much destitution, and perhaps some suffering among the laboring classes. But, after a careful investigation by competent and reliable officers and agents, the General Commanding is satisfied that the estimate of your committee, which places the number of those actually suffering at thirty thousand, is much too great.

The subject of destitution has received the most careful consideration of the commanding general, not only in his capacity as district commander, but also as assistant commissioner of the bureau of refugees, freedmen and abandoned lands, and measures, which, it is believed, will relieve all who are actually suffering, have been adopted. To this end the officers and agents of the bureau of refugees, freedmen and abandoned lands have been instructed to procure labor for all such as are able and willing to earn a support. The aged and decrepit and orphan children will be cared for in hospitals and asylums.

It will be seen from the accompanying reports that the demand for labor exceeds the supply. While this is the case, it is not believed that any great degree of suffering can exist among the laboring classes. It will be seen from the accompanying order that transportation is furnished to laborers unable to procure employment to points where their services are in demand. It may not be out of place to remark here that at this time letters are constantly received requesting aid in hiring laborers; and five hundred laborers and their families could this day secure employment at the office of the sub-assistant commissioner of the bureau in this city.

The general commanding desires further to assure the convention that he will take every precaution to prevent suffering, and that he believes that with the means at his disposal, he will be able to accomplish this.

With these convictions the commanding general deems it inexpedient to divert so large an amount of the revenue of this state as that derived from the poll tax, to the subject specified in your resolution.

The attention of the convention is called to the fact that there are no funds in the state treasury, and that the state prison and lunatic asylums are now supported at the expense of the United States.

The commanding general, therefore, declines to authorize the sheriffs to dispose of the funds derived from the poll tax, as recommended by the convention.

I am, sir, very respectfully,

Your obedient servant,

John Tyler,

First Lieut. 43d Infantry, Bvt. Maj. U. S. A., A. A. A. G.

On Board Steamer Kate Kinney,
Near Friar's Point, Miss., Jan. 13, 1868.

General—I write these few lines to inform you partially of the state of affairs at Greenville, as we found them.

The amount and generality of the destitution has been very much exaggerated, even in Washington county, and I have no doubt that is the poorest county in the state today, as far as their ability to provide for the destitute is concerned. There were from 12,000 to 13,000 freed people in that county during the past year, and it is estimated that not more than half can be employed during the coming season.

In the vicinity of Greenville, I have found several families, numbering in all some sixty or seventy persons, houseless, and with only sufficient food to keep them for two or three days at the farthest. They had been recently turned out of the cabins they occupied last year, without means of any description. There are a great many similar cases throughout the country. They state that they have endeavored to get work, but without success. In view of these facts, and knowing it to be your intention to provide, in some manner, for the absolutely destitute, I authorized Mr. Preuss, the agent, to make some purchases of corn and meat as may be necessary to prevent starvation, until he receives definite instructions from your office.

I would respectfully recommend that a detachment of twenty men be sent to Greenville (cavalry, if possible), in order to enforce the orders of the bureau, and for the general enforcement of order. I recommend this on account of the uncertainty of communicating with headquarters in case of difficulty.

I do not anticipate any trouble, although some of the people fear it on account of the generally expressed determination on the part of the planters to eject all freedmen from their lands, except those they employ for the coming year.

* * * * * * *

I would state that I believe there is a combination on the part of a great many planters to hold off in respect to hiring laborers, expecting the government to compel them to work, and thereby be enabled to get them for their food and clothing alone.

The order upon the subject is frequently quoted, and I believe many of them are endeavoring to create a false impression as to their resources and their ability to cultivate their places.

Very respectfully,

Your obedient servant,

N. R. Williams,

Lieutenant and A. I. G.

Vicksburg, Miss., January 18, 1868.

Lieutenant M. Barber, A. A. G., Bureau Refugees, Freedmen and Abandoned Lands, State of Mississippi:

Lieutenant—I have the honor to report the condition of affairs in the counties bordering on the Yazoo river, as far as came under my observation, on a tour of investigation in that section during the past week.

The freedmen are in a destitute condition, mainly because they will not hire out to the farmers and planters—a great number of the latter requiring their services. The reasons assigned for this are that the wages offered are too low, being about one-third of the compensation given last year. Also they (the freedmen) insist that upon the adjournment of the convention at Jackson the lands in the State will be divided out amongst them, and they can live until then.

My belief is that if the freedmen will work they can find employment, food and clothing for the present year.

I saw no destitution among the planters or people generally, and believe that the many reports of such existing are greatly exaggerated. I am, sir, very respectfully, your obedient servant,

J. W. Scully,

Brevet Colonel and A. Q. M., Inspector General.

Meritt Barber,

First Lieutenant Thirty-Fourth Infantry, A. A. A. G.

Vicksburg Miss., February 12, 1868.

To the Assistant Commissioner Bureau R., F. and A. L., State of Mississippi:

Sir—In compliance with your orders of the 3d instant, I proceeded to Grenada, Miss., and investigated the condition of affairs in that sub-district. As a general thing, the freedmen have entered into contracts for the present season, although I found more idlers and dissatisfaction among the laborers there than at any other point on my route. This is not due, however, to any lack of employment, for I was informed of several persons from

Tennessee and points in Mississippi having visited Grenada for the purpose of procuring laborers, and offering excellent terms, without being able to secure a single hand.

From Grenada I proceeded to the sub-district of Panola, and found matters in that and the late sub-district of Hernando in a very satisfactory condition indeed. That section of the state being exceedingly fertile, a good crop has been realized, and laborers have very satisfactory returns for the year's labor.

The vigorous action of the agent in charge during his short term of service at Panola, has procured a settlement of nearly every case in controversy, and I was pleased to find that he has gained the confidence and respect of whites and blacks equally; a very marked difference from the feeling entertained toward his predecessor, who was universally disliked by the one and suspected by the other, is perceptible.

The laborers have all entered into contracts for the present year, and the agent in charge has applications for a large number of hands, whom it is impracticable for him to furnish. There is no destitution or necessity for aid to be furnished to any, except perhaps to a few orphan children, whom I directed the agent to visit and make report and recommendation of such action as the circumstances of their condition might warrant.

From Panola I proceeded to Holly Springs, delaying at Memphis for a day and a half, being misinformed as to the connection of the train.

At Holly Springs, as at Panola, I found everything in a very satisfactory condition. The laborers are settled with for their past year's labor; they have made good crops, and having conversed with freedmen at every station through the sub-district, I could not hear of an instance of destitution. All have contracts for the opening season, and the sub-assistant commissioner has applications for several laborers that he cannot furnish. Two schools have been established recently, and several more are in contemplation.

I have the honor to be, Sir, very respectfully,
Your obedient servant,
Merritt Barber,
First Lieut. 34th U. S. Inf.

These reports checkmating the scheme to rob the state under the pretense of philanthropy, the convention turned its attention in other directions. On the 23d day the committees on the executive and judicial articles of the constitution presented their reports to the convention. Others soon followed, but consideration was long delayed, by the taste of the convention for ordinances embracing all manner of schemes foreign to constitution making. One asked the commanding general to authorize a measure to send all negroes to their homes, or places of birth. It was refused by General Gillem, who stated that it would cost a million dollars to carry it out. An ordinance was adopted that "no contract should be valid which in any manner abridged or affected the right of franchise, and any person demanding such condition should be fined $5. If he dismissed any one for having exercised the right of voting he should be disfranchised for five years, as well as fined." A resolution was adopted approving the impeachment of Andrew Johnson "acting president." The proceedings were diversified by the trial and final expulsion of one of the delegates for assaulting the doorkeeper, publishing false and libelous accusations against members of the convention, and acts of dissipation and disorders disgraceful to the convention. This is the only intimation in the journal that the convention entertained any respect for its dignity. The tax ordinance was a subject of long drawn out contention between the convention and General Gillem. Having finally been trimmed so that he could approve it, it was promulgated, March 6th. During the long delay the pecuniary straits of the delegates had grown quite acute. On the 67th day of the session Mr. Stricklin, of Tippah, presented the following:

> Mr. President: I resign my seat as a member of this convention, and tender it to some abler man. I do this first, because I believe the acts of congress under which we are assembled, are unconstitutional, unjust, tyrannical, and oppressive. Next, because whether the acts of congress are unconstitutional or not, the members of this convention are transcending the limits of whatever power they may have derived by virtue of their constitutionality. Again, because this body is inflicting upon the people by taxation, a burden they are illy able to bear, and to which I do not desire to offer further contribution. Lastly, because I am totally disgusted with its nonsense.
>
> Respectfully,
> W. L. STRICKLIN,
> *Delegate from Tippah County.*
> Hon. B. B. Eggleston, President, Etc.

The other conservative delegates held on for twenty days longer. On April 16, they resigned in a body. This action was precipitated by the adoption of the following "additional section" to the franchise article:

> "No person shall be eligible to any office of profit or trust, civil or military, in this state, who, as a member of the legislature, voted for the call of the convention that passed the ordinance of secession, or who, as a delegate to any convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under authority or pretended government authority, power, or constitution within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this convention; but the legislature may, by a vote of two-thirds of each house, remove such disability."

This restriction grossly exceeded the disqualifying provisions of the 14th amendment and the reconstruction act. It was bitterly resisted by the small band of conservatives, who were aided by the votes of quite a number of the more moderate radicals. Upon the adoption of the section, the distinguished Judge J. W. C. Watson, the conservative leader, thus addressed the chair: "Then, sir, I am to understand that 99-100ths of those who were citizens of Mississippi in 1860 are ineligible to office, and have no longer any interests in her government. We are out of place here. We can do no good by remaining, and I for one tender my resignation." The morning session then adjourning, the president of the convention was severely denounced for his partisan rulings by delegate Townsend—an ex-captain of the Union army. They came to blows, and other delegates and citizens were involved in the fray. The alarm was sounded that the radicals were about to be mobbed. The military garrison was called out, but under the appeals of those who foresaw the grave consequence of such a collision the disturbance was quieted. When the convention assembled in the evening, a formal and brief resignation of the conservative delegates was received and accepted, They had abundantly signalized their devotion to the state, by intelligent and courageous opposition to placing the government under the control of a negro electorate. They neither carried nor defeated any measures. But the service they performed in making up the record, in arresting attention at home and abroad to the initiation of a nefarious scheme, was signal. It would have been well could they have kept up the fight to the end. But the struggle seemed too fruitless—the vain sacrifice too great. Thereafter, in the completion of their work, the carpet bag spoilers had full swing and sway.

The franchise scheme, as a whole, was adopted on the ninety-second day of the convention by a vote of 37 to 13. The minority was made up in the main of delegates who were white residents of the state. It is interesting to note that the last amendment offered was a bill of "general amnesty," to be submitted to the popular vote in 1875. It was not carried, though in that year the amnesty was effected in a far different way than that expected. Loath to turn loose its job, the convention sat on, tinkering over its work and finding ostensible and remunerative employment and earning their per diem in discussing general principles, ordinances, etc. It was provided that the election upon the adoption of the rejection of the constitution should be held by officers to be appointed by the committee of five, which had been constituted to remain in session after adjournment. The authority of this provision being questioned, the committee was directed to confer with General Gillem, and on the one hundredth day of the session the following report was made:

To the President and Members of the Constitutional Convention:

Your committee who were appointed to confer with the General Commanding the Fourth Military District beg leave to submit the following report:

It is his opinion that if the convention imposes any restrictions on electors other than those embraced in the Reconstruction Acts, it must provide for a separate election for State officers; he has no authority for ordering such an election; at the same time he will not interfere if the convention sees proper to provide for a separate election.

The General will appoint registrars and order the election in strict accordance with the Reconstruction Acts.

If the convention sees proper or deems it necessary, it can appoint commissioners to attend the election and be present at the counting of the votes.

He also states that thirty-five days after the adjournment of the convention will give him time sufficient to order and hold the election. Thinks it would be advisable to have the time for holding the election so arranged as to begin on Monday.

W. H. Gibbs, *Chairman,*
A. S. Dowd.

The prolongation of the convention having become apparently a matter of per diem, on May 14 a resolution for sittings thereafter free of cost was adopted. But with the evening came reflection, and it was revoked. It had been ordered at the same time that the signing of the convention should be the special order for the next day. That, too, was rescinded in the evening. The convention devoted itself the ensuing days to a renewal of the effort to induce General Gillem to enforce the ordinance for adding to the revenues already provided, the collection of the railroad tax. In denying his sanction to that measure he had alleged that it was in violation of chartered laws and vested rights. A delegate was dispatched to discuss this question with the military commander, whose reply appears in the convention journal. After citing authorities, General Gillem's letter says:

> "Delegate Orr informs me that the convention does not recognize any State laws or chartered rights, wherein real or movable property is exempted from taxation. The General Commanding conceives there must be some misunderstanding in this respect. * * * He regrets that his conviction prevents his compliance with the wish of the convention."

Thereupon the convention recouped itself through adopting an ordinance making the convention warrants receivable for all taxes and dues to the state. The last resolution introduced in this memorable body was characteristic. It proposed to add 20 per cent. to the pay of all delegates and officials of the convention. It was beaten by a majority of one. As the per diem of delegates and officials had been at the rate of $1,250 a day for 114 days, the one majority vote was quite a valuable asset to the taxpayers. The exact cost of the convention has never been stated, but it was little if at all below $300,000. The largest item of expenditure, next to the per diem, was printing, which was indulged on a lavish scale, an official journal and a half dozen or so organs in Jackson, Vicksburg, Meridian and other towns being maintained.

January 15, 1868, the convention representing the white citizens of the state, met in pursuance to the call issued a month previously. Its purpose being simply preliminary or preparatory, the attendance did not represent a majority of the counties. But the announcement of the purpose of organization, for the defeat of the then incubating constitution, brought forth a response of earnest determination from every section of the state. The preamble "declared that the Republican majority now controlling the legislative power in congress has established a military despotism over ten states of the union, in violation of the federal constitution, in defiance of the executive and judicial power of the government, threatening the executive power with impeachment, and the supreme court with abrogation of its powers, and showing a bold and persistent design to maintain partisan power by the entire overthrow of constitutional liberty." It was "resolved that the nefarious design of the republican party in congress to place the white men of the Southern states under the governmental control of their late slaves and degrade the Caucassian race as the inferior of the African negro, is a crime against the civilization of the age, which needs only to be mentioned to be scorned. And we therefore call on the people of Mississippi to vindicate alike the superiority of their race over the negro and their political power to maintain constitutional liberty."

February 20th a democratic convention was held at Jackson. It was the first fully representative political gathering after the war, all of the counties being represented. Resolutions were aodpted sanctioning or approving the action of the previous convention of Jan. 15th. Radicalism was arraigned for holding ten sovereign states under military despotism for the purpose of their Africanization. The state constitutional convention was declared to be without constitutional authority, and the acts under which the delegates were elected were not within the delegated authority of congress. It was represented that the constituents of the convention were negroes, destitute alike of moral and intellectual qualifications, combined with a small minority of white adventurers, and that the projected acts of the convention demonstrated them to be products of the enemies of the people of Mississippi. The pretence of framing a constitution was in fact a wicked conspiracy to disfranchise and degrade the white people, and to rob them alike of their liberty and their property, and to finally place them under the yoke of negro government. The citizens of the state were called upon to organize for the defeat of the constitution, and a state central committee was named. Delegates to the national Democratic convention were appointed, but no nominations were made for candidates at the ensuing election. On this question opinion was divided. In the black counties there was a strong feeling for making defeat of the convention the sole issue. A provision in the supplemental act of congress for choosing officers under the constitution, at the same election it was submitted for adoption or rejection, was regarded as a device to weaken and divide the white vote. It was argued that in the white counties, where local government could be secured through election of white officials even if the constitution were adopted, efforts to beat that instrument would relax. That apprehension was removed to a very large extent by the adoption of the ordinance that caused the conservative delegates of the state convention to withdraw. Its disqualifications were so sweeping as to render all old citizens ineligible to office. The effect was to practically solidify the white people in opposition to the whole radical scheme. The issue as it was presented is explained in an article in the Woodville *Republican* of April 8th, which, speaking from the black county viewpoint, expressed a "fervent hope that the convention would adopt a disfranchising clause as sweeping as that of Tennessee, to stimulate the uttermost degree of opposition to the constitution." And when "the fervent hope" had been realized, April 25th, the same paper welcomed the "additional ordinance" for the reason that it would "entirely neutralize the effect contemplated in the act of congress, of holding out offices of profit as a bait for the ratification of the constitution." It so proved in the carpet bag greed to exclude the native whites from official eligibility—the motive for defeating the constitution was made irresistible.

May 18th witnessed the final adjournment of the convention, after a session of one hundred and fourteen days. The last week or more appeared to be marking time, pending the outcome of the impeachment proceeding at Washington. The trial of the President terminated in failure on May 17, and the convention quit the next day. Had the impeachment plot succeeded, and Wade been made President, the convention would have perpetuated itself as the provisional government of the state. A congenial military commander would have succeeded General Gillem, and chaos and confiscation would have ruled. The speeches of radical leaders and the journals of the times show that this was the intended aftermath of impeachment.

The journal of the convention having been signed, the presiding officer, Beroth B. Eggleston, commonly and euphoniously called in the prints of the day "Buzzard" Eggleston, for his keen sense for offal, delivered an appropriate address, and the curtain dropped on the never-to-be-forgotten Mississippi black-and-tan constitutional convention. It had brought forth an abortion of government so perverted and putrid that it would not have survived birth pangs, but for the incubation and prop of a national congress and the bayonets of the army. In his parting remarks, with an appetite made keen by his $20 per diem, Buzzard Eggleston announced that the "harvest is ripe." He appealed to the "honorable body to remember that the eyes of the people, not only of the United States, but the whole world, are upon us." He declared "the convention adjourned to meet again under orders of the committee of five should our constitution fail to meet the approval of the people." And thus passed away, never to be reconvened, a body memorable only as a link in the chain of evil destiny which had been so long forging for the South. The collective quality of the majority of the Mississippi aggregation of alien adventurers and home scalawags was recorded in numberless contemporary individual sidelights, some of which are commemorated on the criminal dockets of the day. Jamison, the carpet-bag candidate for lieutenant-governor, was disturbed in his canvass by an indictment and arrest for stealing three bales of cotton. Delegate Combash, black, went before his Washington and Sunflower constituents as a candidate for the state senate under an indictment for stealing $140 of convention warrants belonging to his colleague and roommate, Dr. Stites. Of Abel Alderson, scalawag from Jefferson county—afterward appointed to the circuit bench by Governor Alcorn—quite a curious and edifying story was published. Under the ante-bellum code of Mississippi free persons of color were forbidden to reside in the state. As public sentiment winked at its evasion, the harsh law was very rarely enforced. Alderson brought suit thereunder, in 1858, to compel Mary Garnet, colored, to leave. She was a popular and successful boarding housekeeper in Fayette, and Alderson owed her a considerable board bill, for which she sued him. Whereupon he sought to evade payment by driving his creditor out of the state. She met this move by selling herself to a citizen of the county rather than leave her old home. But as a slave she lost her right to sue, and Alderson beat his board bill.

Strife at Washington reached its climax Feb. 21, 1868, when the President attempted the removal of Secretary of War Stanton, in disregard of the tenure of office act. That unwarranted measure, providing that removals by the President should not operate without the sanction of the senate, had been passed the year before. The unprecedented restriction of executive prerogative was vetoed as unconstitutional. It was passed over the veto under such circumstances as even Mr. Blaine, the apologist for reconstruction, felt constrained to condemn. The President had sought to rid his cabinet of councilors of a member with whom he was at inveterate feud Aug. 27, 1867. His request for Stanton's resignation being declined, an order of suspension was made, and General Grant was appointed to the vacancy. President Johnson communicated this action to the senate when it assembled in December, and asked its concurrence. The senate refusing to concur, General Grant vacated the office so that Mr. Stanton resumed charge. The President alleged that there was an agreement with General Grant to hold the office or to place his formal resignation in his hands, so that another appointee could be installed and the act tested through the courts. Mr. Johnson was bitterly disappointed when Stanton was allowed to repossess the office, and claimed that General Grant had acted in bad faith with him. A bitter controversy ensued. Beyond the personal bearing of the quarrel, the break in friendly relations between the two was most unfortunate for the South, and for the President. Until then, Grant, while veering toward the radicals, had been claimed and courted by both the President and congress. The quarrel carried him entirely over to the radicals.

Secretary Stanton resumed his place in the cabinet Jan. 13th, 1868. His presence became unbearable, as it was doubtless designed, and, as stated above, his removal was ordered. The act threw congress into a tempest of rage. The senate passed a resolution declaring the President had acted beyond his constitutional powers, and the house resorted to a resolution of impeachment. This was speedily adopted, and a committee appointed to draft the articles, Feb. 24th. The charges were presented to the senate March 5th. The President in the meanwhile submitted a nomination for the cabinet vacancy, of which the senate denied the existence. The trial before the senate wrought the country up to an unprecedented heat of factional and sectional fury. In no other political struggle were public men ever submitted to such pressure as was brought to bear upon the handful of Republicans who stood out against the fury of their constituents.

The trial was concluded May 15, in the failure of impeachment by a vote of 36 for to 19 against. A change of a single vote would have effected the President's impeachment with consequences too abhorrent to contemplate. Historic evidence quite warrants the statement that of those who voted for impeachment there were few who carried regret of its failure to their graves. Realization quickly came to the most radical, that such a triumph of partisanship would have severely shaken the foundation of republican government.

Indeed there were among those who voted for impeachment some who in their hearts shrank from it for another reason. The thought of succeeding even President Johnson by the president of the senate, the violent South hater, Ben Wade, was unpalatable to most of his colleagues. He took his measure as presidential timber in a campaign speech a few months later from which the following is quoted:

> "You remember we put a tax upon cotton, the only thing under God's heaven by which we could get anything out of the rebels, they having rendered it necessary that we should incur this great debt in defense of the Government; and they howled about the tax on cotton, and the whole Democracy of the North, out of Congress and in Congress, made such an outcry against it, that they induced soft-headed Republicans to repeal it. The year before we got about twenty-eight millions out of that cotton tax, and it came out of the very men, of all others, that should give some of their substance to pay off that accursed debt that we were forced to incur. But we threw off that tax, and this year we did not get one cent of it. I would not agree to it. It was magnanimity that degenerated into weakness. We ought to have made them pay it and this year we might have got $40,000,000, instead of $28,000,000, and let the Democracy howl."

Wade's brutality and vindictiveness was commonly approved by Republicans as the patriotic zeal of a brave, blunt man. As full of South-hate as Stevens, he was by comparison a blusterous, blatant demagogue. But this served him well and carried him far, in a day of sectional turmoil. In one of his reconstruction diatribes he was charged by a Republican senator with favoring a government of the South like Poland, which was then being made to eat the bitter fruits of an unsuccessful revolt against Russian despotism. Replying to the objection that the North would revolt at the expense of a military occupation such as he proposed, the President-in-expectancy, as quoted by this congressman, said: "We will not tax the North to keep a standing army in the South. We will require each state to support an army within her own territory, and this will relieve our friends entirely." This is a true revelation of the fate the radical leaders intended for the South, and from which she was saved by the stubborn resistance of the President and the failure to remove him by impeachment. Northern conservatism was appalled by the breathings of threatenings and slaughter from Washington that ensued. The New York *Herald* of April 7, 1868, thus predicted a reign of proscription and bloodshed:

> "The new indictment against Davis, with its numerous specifications of levying war against the United States, looks like business. It is framed to convict. The removal of Johnson will revive among the radicals a thirst for blood, as the execution of Charles I. inflamed the Roundheads to bloody settlement with other parties, and as the beheading of Louis XVI. gave a new impulse to the Reign of Terror. By May 2 Johnson will be out of the White House, and old Ben Wade will be in. From that hour radicalism will be rampant. It will be inquired, while Johnson is beheaded for these petty offenses, how is it that Jeff Davis goes unwhipped of justice? The removal of Johnson will require the hanging of Davis, and Ben Wade as President is the man to see it done. He will not stand upon technicalities. His first great card to strike terror among unreconstructed rebels and revive the old John Brown spirit in the North, will be the hanging of Jeff Davis."

In another article on the Southern situation, this same paper, so lately converted from radicalism, said:

> "Here we have the full focus of negro efforts of civilization. In drawing the picture of Haiti we are only photographing on the American mind in advance the picture Congress is trying to impress on the United States by false and barbaric legislation. Radical rule means, down with the white, up with the black. Down with civilization, up with barbarism. Never in the most degraded days of Roman history, did they descend to force bar-

barism to the surface, that it might swamp intelligence. Never did statesmen before descend to the dregs of humanity to bathe their hands in its worst filth, that they might besmear with it such a civilization as we have now reached."

The Ohio Democratic platform of 1868 recites that "the practical effect of the reconstruction acts is to deliver over the Southern states to the political and social control of negroes, to place the lives, liberties and fortunes of the whites in the hands of a barbarous people." These are true statements of the design of the reconstruction acts—of what would have ensued had President Johnson been removed and full scope given to the Stevens-Wade policy. The following passage from a speech of Thaddeus Stevens expressed the plan of the Jacobins of reconstruction, a plan that only barely failed of a two-thirds vote in the impeachment trial:

"The laws of war authorize us to take their property by our sovereign power. You behold at your feet a conquered foe and an atrocious enemy. We have the right to impose confiscation of all their property, to impoverish them. This is strict law and good common sense. To this issue I devote the small remnant of my life."

Such was the fate, it cannot too often be repeated, from which defeat of impeachment of President Johnson saved the South.

Another exceedingly disturbing question outcropped at this period, one that added no little to the intemperance of congress. The most disquieting reports were spread abroad from the supreme court, in connection with the case of Colonel W. H. McCardle, whose arrest by General Ord has been mentioned in a preceding chapter. Application for his release under a writ of habeas corpus was before the supreme court on appeal from the Mississippi federal circuit court. This again raised the question of the constitutionality of the reconstruction act, under which Colonel McCardle was arrested and held. A Washington evening paper published that "one of the judges had declared that the majority of the judges held the reconstruction law to be unconstitutional, and would so decide, in the McCardle case." With the memory of the Milligan decision in mind the radical leaders were both alarmed and enraged. The publication was made the subject of violent discussion in the house, and a resolution was adopted for the judiciary committee to "inquire" into the truth of the article, and to report whether it constituted impeachment matter. What added to the anxiety of the radicals was that the attorney general could not be relied upon to resist the appeal. That dilemma was met by the appearance of Senator Trumbull as counsel for the government. He was employed by General Grant, on the authority of Secretary Stanton, for a fee of ten thousand dollars. On a motion to dismiss the appeal for want of jurisdiction, Chief Justice Chase announced "there is ample law to take hold of the case, and on this ground the court declines to allow the motion to dismiss. With regard to the question of jurisdiction, the court is not now prepared to decide, and it is therefore reserved for consideration, and will be decided after argument is heard upon it, which will be on the first Monday in March." Argument being heard, the chief justice announced that the motion was dismissed—the court having jurisdiction. The decision was unanimous.

Affirmance of jurisdiction was extremely ominous for the radicals. To avert the apprehended collapse of the congressional plan, Senator Trumbull, going from the court room to the senate chamber, introduced a bill to take away the jurisdiction which the court claimed over the case. It proposed to bind all courts to accept acts of congress on political questions and to determine established state governments. The bill recited that "no civil state governments exist in the excluded Southern states, and none should be recognized by either executive or judicial power until congress shall so decide." The reconstruction acts were declared to be political in their character, "the validity of which no judicial tribunal is competent to question, and the supreme court is hereby prohibited from taking jurisdiction of any case growing out of the execution of said acts in either of said states, until such states shall be represented," et cetera. "And such cases now pending before that court shall be dismissed, and all acts authorizing an appeal, writ of error or habeas corpus, or other proceedings to bring before said court for any case, civil or criminal, or rising out of the reconstruction acts are hereby repealed." A few of the Republicans manifesting an indisposition to support this extreme stretch of a despotic policy, it was decided to be unsafe to risk passing it over a veto. Only for this cause was it laid aside, for another and a devious way to the designed end. For its momentous consequence the further working of the plot is briefly narrated. On March 12, after argument in the case had been concluded, and a decision, which was confidently expected to be against the reconstruction act, was pending, a bill was called up in the house, to "amend the judiciary act of 1789." It was explained that it provided for extending to the supreme court certain appellate jurisdiction in cases of revenue offices. Unanimous consent was asked and given for the bill. But before being placed on its passage, the chairman of the judiciary committee, Mr. Wilson, of Iowa, asked to amend by adding a section he had prepared to repeal "so much of the act of 1789 as authorized an appeal from the judgment of the circuit court to the supreme court, or the exercise of any such jurisdiction by the supreme court on appeals, which may have been taken." This attracting no attention, being regarded as of no particular moment, the bill passed with the Wilson amendment.

Two days later, the bill having slipped through the senate as it did in the house, the character and purpose of the bill was detected and exposed. A lengthy debate ensued, but the trick was won. The only effect was to put in the record the achievement of an evil end through a covert way. There was quite an exhibition of pride by the radicals in their sharp practice—a pride, however, which can never be shared by honest readers of this sample of reconstruction methods. Mr. Blaine was one of those who had the hardihood to speak in its defense—taunting Democrats with not being "wide enough awake." But the link thus forged in the reconstruction scheme to prevent the chain from snapping is given no mention in this book.

President Johnson vetoed the bill, saying:

"I cannot give my assent to a measure which proposes to deprive any person restrained in his or her liberty, in violation to the constitution, or any law of the United States from the right of appeal to the highest judicial authority of our government." * * * The bill not only prohibits the adjudication by the supreme court of cases in which appeals may be taken hereafter, but interdicts its jurisdiction on appeals which have already been made to that high judicial body. If, therefore, it should become a law, it will, by its restrictive operation, wrest from the citizen a remedy which he enjoyed at the time of his appeal."

But judgment was dumb, and reason had fled to brutish beasts—the bill passed over the veto by a solid Republican vote. In debate on its passage Mr. Woodward of Pennsylvania, said:

"It was the first time I ever saw a lawyer, not to say a chairman of a judiciary committee, plume himself both upon the thing done and the mode of doing it, when both were so questionable. * * * I cared nothing about this minor question as to the manner of doing it. I tried to fix the gentleman's eyes upon the real nature of the thing he was doing—the essential quality of the enactment. But he was so much occupied with self-admiration of the manner of doing the thing that I succeeded badly. I could not get him to contemplate the essence of the thing itself, so much enamored was he of that which honorable gentlemen did not hesitate to call a trick."

In the meanwhile the court complacently postponed its decision while its hands were being tied. The suspicion of a tacit and subservient acquiescence of the highest tribunal while being robbed of its lawful jurisdiction is not the least malodorous memory the event has left behind. This reflection caused the venerable Justice Grier to revolt. He had spread upon the minutes of the court the following protest recording the rebuke and the shame of "the highest judicial authority of our government":

"Ex parte William H. McArdle.—This case was fully argued in the beginning of the month. It is a case which involves not only the liberty and rights of the appellant, but of millions of our fellow citizens. The country had a right to expect it would immediately receive the solemn attention of the court. By the postponement of this case, the court will subject themselves whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the constitution, and waited for legislative interposition to supersede our action, and relieve us from our responsibilty. I can only say *'Pudet haec opprobria nobis et potuisse dici et non potuisse repeli.'* "

In nothing in all the history of the supreme court—which is entitled to its long record of probity and dispensations of even handed justice to the respect and confidence of the American people—did stain come so near to its ermine. The light has been turned on the inside history of this decision in "Some Reminiscences" by William L. Royal, prominent in law and politics in reconstruction days in Virginia. After his removal from Richmond to New York the author of this little volume enjoyed exceptional intimacy with the most noted members of the metropolitan bar and judiciary. He thus told the story of the decision in "Ex parte McCardle, of which he said, "I am not at liberty to say how I know these facts, but I know them absolutely to be facts and there are a number of other men now living who also know them to be facts.

As I have been reviewing the transactions of the supreme court of the United States so much at large, I think the following, for the truth of which I can vouch, though I am not at liberty to state my authority, should be recorded here. The case of Ex parte McArdle, from Mississippi, 7 Wallace, 506, an appeal in a habeas corpus case, brought before the supreme court in 1868 the constitutionality of the reconstruction acts of congress, those Pandora boxes from which such untold wretchedness and misery to the people of the Southern states issued. The case was argued and submitted, and the court decided by a vote of five justices to four that the laws were repugnant to the constitution of the United States. Amongst the justices voting to declare the laws unconstitutional was Mr. Justice David Davis, of Illinois. Mr. Justice Field was appointed to write the opinion of the court. He wrote it and brought it before the Saturday conference, and read it, where it was approved of by five justices. It was to have been delivered and handed down on the next Monday. Meanwhile, information had got out that the court was going to destroy all of the odious laws on the coming Monday, and the radical partisans in congress had introduced a bill to take from the supreme court jurisdiction to her appeals in habeas corpus cases. A motion was made by one of the four justices, after the opinion had been read, to postpone the delivery of the opinion from the following Monday to the next Monday afterward, and upon that motion Mr. Justice Davis quitted his four associates and voted with his four adversaries, making five justices for the postponement, and that was accordingly ordered. In the meantime, the radicals rushed their bill through congress, and when the supreme court met on the Monday to which delivery of the opinion was postponed it found its authority to decide the case taken away from it. By this sort of juggling the Southern states were forced to undergo the awful tortures of reconstruction to which the solid South is by far more due than to the war.

Mr. Royal refers to Judge Grier as that "Noble old Roman." Though his action was vain, Judge Grier's revolt won him much praise. But this did not destroy the memory that some treasured of a year before, when these same acts were tested before the supreme court in the Mississippi injunction case; when its annulment was defeated by a tie vote which was only possible by Judge Grier's declining to vote. Had he then voted his convictions the whole abominable scheme would have been throttled at the threshhold. As for Judge Davis, he repeated his performance as a "quitter" when he dodged the place of fifteenth man on the electoral commission which tried out the claims for the presidency of Hayes and Tilden.

The impeachment fiasco that so narrowly missed tragedy was closely followed by the national Republican convention, in Chicago, May 20th. There was no contest over the choice of a candidate for President. The nomination of Gen. Grant had become a foregone conclusion. The convention was at no little pains to dodge the negro suffrage imposed on the South. The following rotten plank was placed in the platform:

> "The guaranty of congress of equal suffrage to all loyal men was demanded by every consideration of public safety, of gratitude and of justice and must be maintained; while the question of suffrage in all the loyal states properly belongs in the people of those states."

In his "Twenty Years in Congress" Blaine calls this plank "an error of duty quite unworthy of the Republican party." It was in fact a mere stroke of campaign expediency for tiding over the prejudice in the Northern states to negro suffrage.

Alabama had been the first state to vote on ratification of her radical constitution, February 4. By remaining away from the polls the opponents of the instrument defeated it, the vote falling short of the required majority of the whole by over 13,000. Immediately congress amended the act by a provision that "for the purpose of facilitating reconstruction of the Southern states to the Union, elections on the adoption or rejection of the new constitutions shall be decided by the majority of the votes actually cast. The amendatory act provided, further, that "any person duly registered might vote in any part of the state of his residence at the time of the election on presentation of his registration certificate under such regulations as the district commander should prescribe."

Arkansas was the next state to vote, in March, the states of North and South Carolina, Florida, Louisiana and Georgia following in April. In Virginia no election was held. Gen. Schofield, after vainly addressing the convention in a vigorous denunciation of the constitution adopted, took the responsibility of not ordering an election upon it and it lapsed. In Texas, where defeat was feared, no election was ordered by the military commander.

Upon adoption of the constitutions as above stated for the states named, acts had been passed over the President's veto June 25th, admitting their senators and representatives to congress. The list of new members included only two Democrats. Alabama had defeated her constitution. But in spite of the fact, to which Gov. Meade thus testified in his report—"I am satisfied the constitution was lost on its merits"—Alabama was dragooned into acceptance of the instrument her own people had voted down at the polls. Though the wrong was so flagrant it was first defeated, and only finally forced through the Senate by a majority of one. Admission was saddled with the following fundamental condition: "That the constitutions of neither of said states shall ever be so amended or changed as to deprive citizens or classes of citizens of the right to vote who are entitled to vote under the constitutions thereof herein recognized except as punishment of such crimes as are now felony at common law, whereof they shall have been duly convicted."

The day after the Mississippi convention adjourned Gen. Gillem had issued his order of election, for the ratification or rejection of the constitution, and for state and local officers and congressmen, to be held June 22nd. Each of the county registrars was allowed a certain number of precincts for which he was to hold an election. A concluding poll was to be held by the registration board at the county seat, when voters from any precinct could vote. It was ordered that bureau agents, and officers of the army should abstain from public speaking, or attempts of influencing voters. But that "this order is not to restrict either class of officials in their duty of instructing freedmen as to their rights as electors." May 13th the Democratic convention had been re-convened in Jackson and a full state ticket, headed by Gov. B. G. Humphreys, was named. The congressional candidates were nominated for the various districts and the counties called on to make nominations for members of the legislature and other offices. As no election for officials would be valid if the constitution was defeated, there was opposition to the plan of making nominations. But the convention decided that it would be best to put up an opponent for every radical candidate. Some contended that if nominations were made, persons eligible under the disfranchising ordinances should be nominated. While the logic of this view was apparent, it was outweighed by the advantage of securing the most popular leaders, who as a rule were ex-Confederates, and ineligible under the ordinances. Thus, too, half hearted opposition to the constitution was effectively guarded against. The convention issued a spirited address and adjourned. In the intervening weeks before the election, the people were aroused and organized for the vital issue. With the object lesson of the black and tan convention, there was little argument needed to enlist the whole white population for the defeat of the constitution, and the radical ticket, which was headed by "Buzzard" Eggleston. It is to the eternal credit of the state that an apparently hopeless struggle was faced unflinchingly. There was united and devoted response to the call of self-preservation and patriotic duty. With few exceptions the most prominent and influential men of the state placed their services at the command of the state committee, to canvass for defeat of the designed prostitution of the state.

The unity of sentiment and counsels, and determined spirit of the people of Mississippi at this crisis was in singular contrast with the lethargy and divided opinions that prevailed in other states. In Georgia, particularly, with her wealth of leadership, a more effective resistance to the radical shackles was expected. One alleged cause of defeat was a private debt repudiation article in the constitution. This in a period of extreme distress and demoralization was artfully used as a bait for voters, especially in the mountain regions. But the main cause of radical success was Democratic defection, led by ex-Gov. Joe Brown. As war governor of Georgia he had been a fomenter of factious opposition to policies of the Confederate government that were vital to success. To the very close of the war he had been an embarrassment and a stumbling block. His defection to the radicals at this juncture was the main cause of the defeat of Gen. John B. Gordon, the Democratic nominee for Governor, and the adoption of the radical constitution.

June 4th Gen. Gillem was superseded in command of the 4th military district by Gen. McDowell. It had been charged by the radical press when Gen. Ord was assigned to California, that the president's plan was to hold Gen. Gillem in command until the election had been held. Gen. Ord's departure, it was asserted, would be delayed as long as possible. It would take him a month to go to San Francisco, and McDowell another month to reach Mississippi. In the interim Gen. Gillem, who was not of the rank requisite for district commander, would command as the ranking officer present. If there was any such design, it was defeated by the long convention of the Mississippi convention, which enabled McDowell to connect before the election. Gen. Gillem had been a stumbling block to that body, and his displacement was regarded by the white people with regret and foreboding. He had proved himself a just and firm ruler over the state.

The proof of a new judge in Israel soon came. On June 16th an order was published by Gen. McDowell appointing Gen. Adelbert Ames, provisional governor, vice Benjamin G. Humphreys relieved, and Jasper Myers, attorney general, vice C. E. Hooker. This action caused a feeling of profound, though suppressed, depression and indignation. It was looked upon as a wanton and a partisan outrage—a violation of the rights left to the people of the state even under the reconstruction acts; though the ruthless act was to have been expected in consequence of the nomination of those officers for re-election. Thus embarked in the campaign, they were adjudged as violators of the order prohibiting all civil officers from political activities. Indeed when Gov. Humphreys was placed in nomination before the Democratic state convention, one of the delegates, Roderic Seal, of Harrison county, had objected, grounding his objection upon the presumption that acceptance of the nomination would be inevitably followed by removal. Some days subsequently, a demand for surrender of the executive office was disputed by Gov. Humphreys as usurpatory and violative of the constitution. He stated futhermore, in reply, that he was authorized by the president to say that the executive head of the government disapproved the order of Gen. McDowell. The exhibition of such authority was, however, ignored by a military commander, subservient to and in sympathy with the Reconstruction purposes. The previous removal by Gen. Meade of Gov. Jenkins, of Georgia, furnished no precedent for McDowell's tyranny. In that case removal was for an act of specific and avowed resistance to the authority invested in Gen. Meade by the reconstruction act. The commandant of the post at Jackson, Col. Biddle, called personally and considerately, to notify Gov. Humphreys of the hour when he would present himself to take possession of the office for his successor, Adelbert Ames. He came at the hour with a file of soldiers. Gov. Humphreys in the presence of a number of citizens refused to vacate the office, saying that the force sustaining the demand was insufficient. Thereupon a company of soldiers was marched on the scene and took actual possession. On a subsequent day, the governor and his family were dispossessed of the executive mansion. As the recorded facts of this proceeding have been subject to material misstatements, the correspondence of the governor with the military is quoted:

JACKSON, Miss., June 16, 1868.

HON. B. G. HUMPHREYS: Sir—I have the honor to inform you that I have arrived here in pursuance of an order from Major General McDowell, a copy of which is enclosed, and am prepared to assume the office of provisional governor of the state of Mississippi. Be pleased to inform me when it will be convenient to receive me for the purpose of making such arrangements as may be necessary to carry into effect the order. Very respectfully,

Your obedient servant,
A. AMES,
Brevet Maj. Gen. U. S. A.

EXECUTIVE DEPARTMENT,
State of Mississippi.
JACKSON, Miss., June 22, 1868.

GENERAL—Your note of the 16th inst was handed me this morning upon my return to the capitol by my private secretary, Mr. Marion Smith, inclosing the printed copy of General Orders No. 23, from the headquarters of Brevet Major General McDowell, the general commanding the fourth military district, at Vicksburg. You request to be informed "when it would be convenient to receive me, (you,) for the purpose of making such arrangements as may be necessary to carry into effect the order." In reply, I must say, that I regard the attempt to remove me from the office of governor, as an usurpation of the civil government of Mississippi, unwarranted by, and in violation of, the constitution of the United States; and having telegraphed the President of the United States and commander-in-chief of the army, for instructions, I am authorized to say that he disapproves the order of my removal from office. I must, therefore, in view of my duty to the constitutional rights of the people of Mississippi, and this disapproval of the President of the United States, refuse to vacate the office of governor, or surrender the archives and public property of the state, until a legally qualified successor, under the constitution of the state of Mississippi, is appointed.

Very respectfully,
BENJ. G. HUMPHREYS,
Governor of Mississippi.

To Brevet Maj. Gen. A. Ames, U. S. A., Jackson, Miss.

There was a subsequent correspondence, which is here quoted:

EXECUTIVE DEPARTMENT,
State of Mississippi.
JACKSON, Miss, July 6th, 1868.

HON. B. G. HUMPHREYS: Sir—Soon after my arrival here as provisional governor, I notified you that you might continue to occupy the governor's mansion. Since then I have had cause to change my mind in the matter. You will oblige me by vacating the mansion at as early a date as convenient. Very respectfully,

Your obedient servant,
A. AMES,
Provisional Governor.

EXECUTIVE DEPARTMENT,
State of Mississippi.
JACKSON, Miss., July 7, 1868.

GENERAL A. AMES: Sir—Your letter of the 6th inst, informing me that I would oblige you by vacating the "mansion" at as early a day at convenient, was duly received through the postoffice of the city.

The governor's mansion was built by the tax payers of Mississippi, only for the use and occupancy of their constitutional governors, and their families. They elected me to that office in 1865, and I with my family have been in peaceable, quiet and legal possession ever since. At the recent election the qualified voters of the state, both white and colored, have by the largest popular vote ever cast in this state, unmistakeably expressed their desire for my continuance in the use and occupancy of the mansion, as their constitutional governor. In view of this expressed desire of the just and lawful owners that this property remain in the continuous possession of their own chosen custodian—and from the further fact .that the mere occupancy of the mansion by my family cannot operate as an impediment to the just administration of the reconstruction laws of congress, I must respectfully decline to oblige yourself or others by vacating the mansion until a legally qualified governor is elected under the constitution of the state.

Very respectfully,
BENJAMIN G. HUMPHREYS.

EXECUTIVE DEPARTMENT,
State of Mississippi.
JACKSON, Miss., July 9th, 1868.

HON. B. G. HUMPHREYS: Sir—I have been informed (it is possible that my information is incorrect) that you do not find it convenient to vacate the governor's "mansion."

I presume it is because of the difficulty in finding another fit residence. It is my wish to put you to as little personal inconvenience as possible. Under the above supposition, I have no objection to you occupying a part of the house. Next Monday, by which time you can make the necessary arrangements, I with others, will take possession of a part of the house. So long as we remain joint tenants, great care shall be taken not to inconvenience your family. Very respectfully, yours, etc.,

A. AMES,
Provisional Governor.

JACKSON, Miss., July 9th, 868.

GENERAL A. AMES: Sir—Your letter of the 9th was duly received this morning. It will be disagreeable to myself and family to share the apartments of the governor's mansion with other permanent tenants. I hope my letter of the 8th will be satisfactory, and relieve us of such annoyance.

Very respectfully,
BENJ. G. HUMPHREYS.

JACKSON, Miss., July 10, 1868.

HON. B. G. HUMPHREYS: Sir—Yours of the 8th and 9th were received this morning.

You entirely ignore the reconstruction acts of congress and the action taken by those empowered to act under them. I recognize no other authority. Under such circumstances your statement by which you show yourself the lawful governor of this state, has little weight.

The feeling entertained not only by me, but by others, not to cause you any personal inconvenience, has, through your own action, ceased to exist.

The controversy about the "mansion" can only terminate as indicated in my letter of yesterday.

Very respectfully,
A. AMES,
Brevet Maj. Gen., U. S. A., Provisional Governor.

HEADQUARTERS POST JACKSON,
JACKSON, Miss., July 10, 1868.

HON. B. G. HUMPHREYS, Jackson, Miss.:

Sir—General Ames, the provisional governor of this state, has called upon me as the officer in command of this post, to gain possession of one-half of the mansion now occupied by you.

I send Lieut. Bache with a guard of men, to see that Governor Ames' request is carried out. Lieut. Bache will hand you this letter.

I do not desire to use force if I can help it, but he will be instructed to do so if necessary. I wish to avoid all unpleasantness to yourself and family, but if you desire for political purposes to have a military "pantomime," I have also instructed Lieut. Bache to carry it out, with all the appearances of a reality without actual indignity.

I am, sir, very respectfully, your obedient servant,

JAMES BIDDLE,
Capt. and Lieut. Col., U. S. A., Commanding Post.

Gov. Humphreys expressing the principle of his resistance to his ouster said—vide Lowry and McCardle's Mississippi History—"I know it was futile to disobey these orders and I must succumb. But I had the honor, the dignity, the rights and the property of the state to guard, and I was determined to maintain them, and yield nothing except at the point of the bayonet, that the world should know that I yielded not to civil protest, but to stern unrelenting tyranny."

June 15, General Gillem, who continued in command of the subdistrict of Mississippi, ordered that post and station commanders would be held responsible for the maintenance of peace and order during the election, and that they should take the necessary measures to that effect. They would render assistance to registrars and the civil authorities generally when asked. Citizens were to be protected in the right of voting, and any offenders were to be brought to justice. But there was no contemplation of violence by the whites. It was clearly seen that the only hope was in conduct against which no charge could be sustained. Soldiers were stationed in a majority of the counties and this was well.

The negro voters were encouraged to thorough organization under the shadow of the military power, and through the Loyal League, a secret and oath-appointed order, in whom distrust of their old owners was instilled as a cardinal rule. Under inflammatory teachings, and assured of the support of the government, there was a disposition to turbulence which would often have precipitated race collisions but for the troops, whose officers and men were in decided sympathy with the whites. At Holly Springs a radical speaker brought on a fray in which he was badly beaten and a negro was stabbed. The platform collapsed in the struggle, and the Radical candidate for state superintendent of education had his leg broken. The garrison was called out and quiet restored. Through fears of removal, local civil authorities lost vigor. In Wilkinson county it proved so weak before negro turbulence that the Freedmen's Bureau officer was asked by the peace officers and others to call for troops. He declined on the ground that the civil authority had made no effort to repress disorder. In an article accepting the correctness of this position, the county paper stated that, "with no lawful protection, the citizens were relieved of any responsibility of consequences which may occur. And now that we know that we have no protection to our local rights but ourselves let us all prepare for whatever may come." Organization and preparation against violence was quietly effected among the whites accordingly. This had a decidedly quieting effect, and then, a few days before the election a company of troops arrived in Woodville. In a number of the black counties a like state of menace to the peace prevailed.

The tolerance and patience of the white voters was further taxed by an order of General McDowell, June 19, giving an additional day for holding the election. Ostensibly this was for the benefit of such voters as had lost their papers. As every negro voter had been taught to look upon his certificate as a title to his freedom, this order was looked upon as a subterfuge.

Its real motive was construed to give the election officials full time—to have six days instead of five, to learn of the vote throughout the state and thus know how much fabrication of the returns was necessary. Except for small collisions in some counties, the election was attended by peace and quiet. Soldiers were called out in Vicksburg to disperse a mob of negroes who had overpowered and beaten a sergeant on duty at the polls. Soldiers were used in Jackson to stop a fight between Democrat and Radical negro voters.

In Woodville an attempt to count the vote in secret created a disturbance, in which one of the registrars was assaulted and badly beaten. The lieutenant in command of the garrison, a white line Irishman, ordered out his men and restored the peace. But he also forced the count of the vote with open doors. On the last day of the election, when it was confidently believed that the convention was beaten, Gen. McDowell again showed his partisanship. He ordered that the polls be kept open beyond the closing hours and day he had set. In Vicksburg the Democratic leaders protested, and insisted upon separate boxes for votes subsequently cast. In Jackson the polls were kept open two days beyond the limit prescribed. But all effort to overcome the majority against the constitution were vain. It being published that Gen. McDowell had reported to Gen. Grant that the constitution had been adopted, his denial of the report was asked and secured by the chairman of the Democratic central committee.

There was a sinister delay in giving out the returns. But the vote in every county on comparison with the election of the year previous, gave assurance of the defeat of the carpet bag constitution and candidates. They were overwhelmingly beaten in the white counties, and in the black belts their majorities of the previous year were largely reduced. It was to be observed that more negroes voted with the whites than at any subsequent election. Four out of the five congressmen elected were Democrats, and there was a Democratic majority in the legislature. While the radicals admitted their defeat, relying on congress, there was no thought of submitting to the result. The scene of activity shifted to Washington, where the leaders carried their own story of their overthrow and took counsel with the reconstruction committee as to their next move. Before carrying their case to Washington, it was discovered that the "committee of five" was secretly bringing negroes to Jackson from various parts of the state and taking testimony to base a contest on. The committee room was invaded by a number of prominent citizens, who demanded to know the purpose of the movement and claimed the right to cross-examine the witnesses. There was an angry colloquy in consequence, and the citizens were arrested and placed under bond by the military.

The official report of the election by Gen. Gillem, who, McDowell having been assigned elsewhere, was again in command, was not promulgated by Gen. Grant until July 21st. It was covered in the following press dispatch:

> Washington, July 21.—Gen. Gillem has submitted to Gen. Grant the report of his action as regards the condition of Mississippi under the reconstruction acts. He states the result of the late election—for the constitution, 56,231; against it, 63,830; being a majority against the constitution of 7,629. Gen. Gillem says: "As is generally the case in elections, fraud is charged by both parties. All reports and complaints bearing on the subject are herewith transmitted for the consideration of the proper authorities, merely remarking that I am satisfied the election was as fair and free from intimidation or the influence of fraud as it would be possible to receive under existing circumstances, and that no undue influence was exercised at the polls. If intimidation was used at all it was beyond the military power to reach it. As the defeat of the constitution renders it possible that the state may for a time remain under military control, I consider it my duty to call attention to the almost impossibility of finding persons to fill vacancies in civil offices who possess the necessary attainments, and who can qualify under existing law. I would therefore recommend that section nine of the acts of July 19, 1867, be so modified as to render eligible to office, persons on the list of registered and qualified voters to fill vacancies which exist or may occur in civil offices, state or municipal."

Of all the campaigns ever waged in Mississippi none excelled if any ever equalled, the earnestness and the unanimity of purpose of the white people of the state in 1868; in defeating the constitution submitted for ratification by the piratical reconstruction crew. Certainly no other political victory was ever won over greater obstacles and with greater credit to the victors. It was a victory, however, that bore no fruit—whose results were quickly annulled by radical power, fixed and sealed through Grant's election to the Presidency. Thus quickly over-clouded by relegation of the state to complete military rule, and then alien government, the courageous and patriotic uprising of 1868 was virtually effaced and crowded out of popular pride and memory. Nor was this all of the ill fate that attended the overthrow at the polls in Mississippi of the first onslaught of radicalism. It has suffered from the perversions and falsifications that has befallen all history of reconstruction events at the hands of Northern and partisan authors. Naturally so signal an event as this Mississippi election was treated to a full share of their sectional bias and misrepresentation. This is said prefatory to the following from the History of the United States by Rhodes, perhaps the least unfair and misleading of all, page 191, Vol. VI:

> "Mississippi has had many exciting political contests, but that of 1868 has probably never been surpassed except by that which took place seven years later. The proscriptive clauses aroused the indignation of the Democrats, who bent their whole energies to defeat of the constitution. They used the ordinary means of political organization, a convention, an address, an open letter, newspaper articles, an enormous number of mass meetings and to these they added intimidation of the negroes to make them vote against ratification or stay away from the polls. The important agent in this work of intimidation was the Ku Klux Klan, a secret organization, which used threats and warnings to negroes designed to vote for the convention. * * * 'Fraud is charged by both parties,' wrote General Gillem, 'but I am satisfied the election was as fair and free from intimidation as possible under existing circumstances.' * * * Gillem was a good officer and enforced the harsh laws leniently, but his judgment was very probably warped by his sympathy for the oppressed Southern people. The evidence in the case, in the light of the future history of the state, shows conclusively enough that the majority against the constitution was obtained by the intimidation of negro voters."

Rhodes is exceedingly unfair to General Gillem, to whose just and firm administration of office the state of Mississippi is eternally indebted. His services in the war, with his character and reputation for courage and candor, should have raised him above the slurring apology quoted. He scrupulously refrained from any show of sympathy or leaning with which he is charged for "the oppressed Southern people." In his testimony before the Congressional committee, replying to interrogatories seeking to convict him on this point, he denied unqualifiedly "indulging any opinion or taking any part for or against the constitution;" or that "he had ever discussed politics with any man white or black;" or that "his administration had ever been animated by a spirit of opposition to the reconstruction acts or the policy of Congress;" that he "had never seen the chairman of the Democratic committee, and had only two requests from him during the campaign, both of which he emphatically turned down." After completely refuting and foiling attempts of the radical committeemen, it looks a little more than hard that General Gillem should be historically charged with the things he denied. And then after most unjustly seeking to discredit him as a witness, the General, with Garner's "Reconstruction of Mississippi," was referred to by Rhodes in a note as his authorities for charging that "in the defeat of the constitution, the Klu Klux Klan was the important agent."

In fact witnesses supplying this testimony were a characterless, perjured lot of adventurers, of which the chairman of the committee of five, W. H. Gibbs—who wound up his public career by serving a penitentiary term for embezzlement of post-office funds—was a type. In accepting their false utterances, Rhodes rejects the testimony of General Gillem and such eminent citizens as Governor Sharkey, ex-Senator Brown, Judges J. W. C. Watson and A. G. Mayers, Dr. T. W. Catchings and President Wesson of the Wesson mills. In the mass of radical testimony there are a half a dozen vague references to the Ku Klux, one witness only professed knowledge of the fact. His evidence only as to the Ku Klux is mentioned in Garner's book, which Rhodes refers to as authority for his broad Ku Klux allegation. That evidence was supplied by the most active and efficient tool of the Gibbs committee. He worked Rankin county and his name was D. S. Harriman. Garner unfortunately omits to notice, and Rhodes presumably did not inform himself of, the record proof, upon page 240 of the volume of testimony taken by the congressional committee, that this witness, who alone located an actual camp of the clan, had only recently finished a term in the penitentiary for "taking bribes from whites to defraud negroes while he, Harriman, was a bureau officer." It may be said further that in the recently published "Mississippi Reconstruction Facts," by the well known Mississippi negro ex-congressman, John R. Lynch, no mention is made of the Klu Klux Klan in the overthrow of the constitution of 1868; though intimidation is vaguely charged. The following is quoted from Lynch's statement of the cause of the defeat:

> First. In consequence of the bitterness with which the ratification of the constitution had been fought, on account of the objectionable clause referred to, intimidating methods had been adopted in several counties in which there was a large colored vote, resulting in a loss of several thousand votes for the Constitution.

The impossibility of "intimidation" to any material extent is established by the fact that United States troops were posted at sixty-three points in the state during the election of 1868, and that no clash or collision occurred, no show of violence, at any precinct. And that during the campaign General Gillem sent troops to any county where fears or signs of disturbance were reported. The only considerable intimidation sought to be exercised by the whites were threats of non-employment of the negroes who quit their work to go to the polls to vote for the constitution. And with the knowledge that the demand for their labor would prevent such threats from being carried out, precious little effect they had. But the most conclusive proof of the merits of the testimony on which Rhodes based his indictment of the Mississippi election, was its rejection by the congressional committee; which would have been only too glad to give the committee of five a free hand in carrying out the reconstruction scheme. Influenced by the surface appearance of the odds against the white men, the partial or sectionally biased chronicler might be excused for entertaining the intimidation Ku Klux theory of the Mississippi election of 1868. But no such excuse can be made for any professed concientious writer of history. Reason and research should teach him that there could have been no "intimidation" such as was practiced in 1875. Had there been Georgia, North Carolina and Arkansas would never have ratified their negro suffrage constitutions. Not only was the intimidation of the negro voter in the presence of Federal troops impossible, the attempt would have been madness.

A chief witness to the fairness of the election was ex-Governor and ex-Senator A. G. Brown, who had been the leader in 1867 in urging the adoption of the congressional terms of reconstruction and negro suffrage. He testified before the reconstruction committee which investigated the election the winter following, to the "profound quiet in all parts of the state; that the people are willing to submit to the reconstruction acts, if fairly presented; the proposed constitution had been defeated not by fraud or intimidation as alleged, but because it was more vindictive in its spirit than the people would tolerate; it was more proscriptive than the acts of congress required." He said in conclusion that "if congress would so amend it as to conform to the 14th article of the act it would be accepted with unquestioned unanimity." Gov. Brown's evidence was corroborated and reiterated by ex-Governor Sharkey, Judges H. F. Simrall and Watson—all old Union men, and others of equally high standing and repute, who appeared in Washington before the committee.

The 1868 victory was less spectacular probably, than "that which took place seven years later;" in 1875, when the carpet bag-negro government was overthrown. But the defeat of the 1868 constitution was over greater obstacles; of the two, it furnished a more signal tribute to the constancy of the white people. Intimidation which was freely practiced in 1875, was simply impossible under the military election of 1868, with troops stationed at sixty-odd points in the state. While refused for the polls in 1875, bayonets bristled in 1868 all over the state. The allegation of a Ku Klux force in 1868 is an absolute myth —nothing more than a scarecrow and in less than half a dozen counties. The order never had vital existence in Mississippi until 1871, and was then confined to a half dozen counties. To pursue the contrast of the two elections, in 1875 Democrats had representation on most of the county election boards; in 1868 none. In 1875 the white people were encouraged by the recent achievement by other Southern states of home rule reestablishment, and by the sweeping Democratic victory in the Northern states the year before when a Democratic house majority was elected.

In 1868 there was no gleam of encouragement or hope from without. The Mississippi campaign was entered upon after defeat had befallen all resistance of the yoke of the negro suffrage constitutions in every other Southern state; except Virginia and Texas, where for particular causes no elections had been held. Under the circumstances for Mississippi to make a fight against her big black majority after the white states of Georgia, North Carolina and Arkansas had failed, looked like a challenge of fate, the inspiration of desperation. Success was wholly due to, as it was only possible, through energizing and unifying the white voters upon appeals to their love of home, and spirit of resistance to wrongs that meant ruin if not defeated. Thus patriotically consecrated, the best and bravest of the state entered the political field in every Mississippi county. Seldom if ever was there a more perfect response of unselfish patriotism, to the call of duty. This testimony is borne from the vivid personal memory of a participant in the 1868 struggle as chairman of the Wilkinson county committee. In that county with a little over 600 white voters, near 650 votes were polled against the constitution. That is, every white man physically able to go to the polls voted, and with them near 100 negroes. The following from the radical organ, the Jackson *Pilot,* admitted the fact of Democratic negro voters, which was attested by a number of the Democratic witnesses;

"Hundreds of the colored men from the county of Amite, where for want of proper local organization they have long been in the dark, are going over into Wilkinson and joining there. They are terribly sick of having voted the Democratic ticket in that county in the last election, and if another election were to be held in that county now, the Republicans would carry it."

While the recommendations contained in Gen. Gillem's letter to Gen. Grant, above quoted, were eminently practical and patriotic, they did not appeal to the leaders of the congressional majority. They had no thought of permitting Mississippi to escape from the penitential yoke provided. In the meantime, however, there was much rejoicing over the defeat of the constitution. Mississippi alone of all the Southern states, had squarely resisted and beaten the congressional scheme of reconstruction. The new constitution had been forced upon all the rest except Virginia and Texas, where the test of the polls had been withheld. Nevertheless, the sense of relief in Mississippi was qualified. Very few were so sanguine as to expect that congress would permit the state to escape the degradation to which her neighbors had been subjected. The prevailing apprehension was thus voiced by the Woodville *Republican:* "We are constrained to caution our readers against being too sanguine. All know with whom we are dealing, and rejoicing over the election should be withheld until congress has been heard from. We may only say at this time, 'Hurrah, for Gen. Gillem.'" The warning was more than warranted. Measures were being considered in congress, to meet the unprovided for situation in Mississippi, that bespoke the rage of desperation. A bill passed the senate for supplying a thousand stands of arms and battery of artillery to the loyal men, that is, the negroes and carpet baggers, of each congressional district. Congressmen Washburne, who was recognized as representing the Presidential nominee, Gen. Grant, demurred to this. He proposed a recess until September to avoid the issue. But there was bitter opposition to leaving President Johnson in untrammeled exercise of his prerogative. Congressman Garfield, afterward President, vehemently declaimed against adjourning until a law providing for arming negroes was passed. And July 24th, three days after Gen. Gillem's report was given out, the ground was covered by the reconstruction committee, which reported to the house what was known as the Wilson bill. It was offered by Congressman B. F. Butler, on whose shoulders the leadership of the dying Thaddeus Stevens had fallen. He presented it from the committee, declaring it to be essential to the radical policy. It was entitled "A bill to provide for the more speedy organization of the states of Virginia, Mississippi and Texas," and read as follows:

Section 1. Be it enacted, That for the better security of persons and property in the states of Mississippi, Texas and Virginia, the constitutional convention of each of said states, thereafter elected under and in pursuance of an act of congress passed March 2nd, 1867, entitled an act for the more efficient government of the rebel states and the civil acts of congress supplementary thereto and amendatory thereof, shall have, and are hereby organized to exercise the following powers in addition to the powers now authorized by law, to wit: To make removals and appointments of all officers of said respective states, to remove and appoint registrars and judges of elections, under said act of congress, which registrars and judges of election shall not be eligible to any elective office under such provisional government, and shall observe the provision of congress to authorize and maintain a constabulary force in each of said states to preserve the peace, and aid in the execution of the laws; to provide by ordinance for the reassembling of said several conventions from time to time, and for holding all elections authorized by said acts of congress; and for ascertaining and declaring the result of any election which may be held for the ratification or rejection of any constitution which said several conventions may submit to the people of either of the said states, as they may deem necessary to protect persons therein in their lives, liberty and property.

Section 2. And be it further enacted, That the several ordinances which may be passed by the constitutional convention of either of the said states as herein provided, shall be enforced by the provisional government of such state until such state shall have adopted a constitution of state government, and the same shall have been approved by congress; provided, that nothing in this act shall deprive any person of trial by jury in the courts of said states for offences against the laws of said states.

Section 3. Be it further enacted, That the military commanders in each of said states shall assist in preserving the peace and enforcing the laws, and especially in suppressing unlawful obstructions and forcible resistance to the exercise of the laws.

Section 4. Be it further enacted, That on the fourth Wednesday after the passage of this act, the state convention of Mississippi and Virginia shall reassemble, and the said convention of Mississippi shall proceed to frame a constitution of government, and submit the same to the people, under and in pursuance of the provisions of the said act of congress and of this act.

Section 5. Be it further enacted, That if in any of said states any person shall during the year 1868, vote for any candidate for elector of President of the United States, or shall act as an officer at any election for such candidates, every person so offending shall be deemed guilty of high misdemeanor, and shall be liable to indictment and on conviction thereof in any court of competent jurisdiction be fined not more than one thousand dollars and be imprisoned not less than one month nor more than a year.

Section 6. Be it further enacted, That it shall be the duty of the President of the United States to prohibit any person from voting or acting as an officer of any election contrary to the provisions of this act and for that purpose he shall employ the power of the army and the navy of the United States so far as may be necessary.

Section 7. Be it further enacted, That all acts or parts of acts, so far as the same may be in conflict with the provisions of this act are hereby repealed.

It is difficult to believe that this monstrous measure could have passed the representative body of congress. It is easy to understand why that body's approval of such diabolic malignancy escaped mention in Blaine's apologies for reconstruction. Placing these states, and especially Mississippi, under the government of the rapacious and vindictive conventions with "powers to maintain and organize a constabulary" was an act of atrocity and hate that in its contemplation parallels the worst of Russian and Turkish tyranny toward their conquered provinces. In comparison with the rapine and murder for which the ruffian led negro constabulary was designed, the ruthless raids of the Cossacks and Bashi Bazouks would have been mild. It was such a measure that passed the house by a solid radical vote, save one, Jehu Baker, of Illinois. He had a brother who with his family lived in a Mississippi black county. It reached the senate and was called up on the last day of the session. There it was tabled on motion of Senator Conkling, because he said, "it was useless for lack of time to try and pass it." The true reason was the pending election—it was not deemed advisable to force Mississippi into a race war at that time. There was no compunction because of its infamy, the bloodshed and rapine that would have been precipitated. Not one of the Radicals gave voice to any such sentiment. Dealing with the state was simply postponed to a timelier season.

The passing of Thaddeus Stevens the scourge of the South, was another and powerful cause of the failure of the bill which designed the desolation of Mississippi. Broken with disease and the infirmities of age, that remarkable figure, the great Radical leader, was nearing his earthly end. From the overthrow of the Confederate armies, while others doubted and faltered amid the passions and perplexities that clouded counsel, he saw the reconstruction ends clearly and logically. He neither dissembled nor cloaked his purposes and plans. What others of his party shrank from as revolutionary and atrocious, he boldly faced and proceeded to the overthrow of all obstacles of constitution and law. He sought the destruction of the judiciary and executive, to make clear the way for a congressional despotism, to carry out to the full the reconstruction policy. His iron will, the lash of his bitter tongue, compelled party leadership, absolute and undisputed. He staked everything of personal dominance and party power on the removal of the president as a stumbling block in the way of the subjugation of the Southern whites to negro rule. And when impeachment was baffled, his imprecations upon the Republican senators that balked, were awful. Nothing daunted, however, he framed another impeachment indictment. But high tide had been marked, and his vital force broke under the strain. During the trial of the president, the strength of his venomous voice so failed that his speech was delivered by Ben Butler. His breakdown at such a crisis seemed providential. It was a loss to radicalism that may have turned the scales. While Butler was his equal in ability, and as a hater of the South, he was despised and shunned as a dastard and a common plunderer of war and the most truculent of bullies in time of peace. His reputation was so universally odious that he prejudiced any cause in which he was enlisted. This was not true of Stevens. While not popular, he was feared and where he was not liked, respected. Toward the close of the session the "Lord Hate-Good" of the play grew feeble. A few days after the adjournment, he took to his bed, summoning two negro ministers to pray at his side, and on August 12th he breathed his last. His work was finished. As far as lay in human power, he had borne the fiery cross of revenge and hate. He had carried the cry of "woe to the vanquished" to the limit of sectional wrath.

While the defeat of the reconstruction constitution staved off the carpet bag-negro yoke, the removal of Governor Humphreys and the succession of Adelbert Ames marked the end of Mississippi's three stirring and eventful years of provisional government; which is the subject matter of this contribution to state history. The way was cleared for the rule of the carpet bagger, negro and scalawag combination. In conclusion, and for completing vindication of the struggle of Mississippi against the infliction, and as a righteous verdict upon the iniquity, of negro suffrage, a confession is quoted from an article in the Atlantic *Monthly* of April, 1901, by ex-Gov. Chamberlain of South Carolina. He was a leading actor in the reconstruction drama and at the same time a man of candor, conscience and character; who was curiously, even tragically, caught in the political drift of an evil era. Out of the fullness of his heart, constrained by the gall and wormwood of memories of years wasted in trying to grow figs from thistles, he thus testified against Stevens, Sumner, Morton and other architects of a system that was only less vain and stupid, than wicked:

"The vast preponderance of ignorance and incapacity in the Republican party of South Carolina, aside from downright dishonesty, made good government impossible. The real truth is, hard as it may be to accept it, the elements put in combination by the reconstruction scheme were irretrievably bad and could never result in government fit to be endured."

MISSISSIPPI.

(Song.)

By Mrs. Dunbar Rowland.

There's a beautiful country,
  Where southern waters flow;
'Tis where the white magnolia
  And yellow jasmine blow,
And there a happy people
  Work with glad heart and will,
To the faiths of their fathers,
  They cling thru good or ill.

Chorus:
Mississippi, land of a true and loyal race,
  Where hope's heavenly light is seen on every face;
Proud land whose story glows with deeds of heroes brave,
  Dear land that hateful tyrant never shall enslave.

Land where blue skies are smiling
  On stream and flow'ry sod,
From altars are ascending
  Sweet prayer and praise to God;
There the oppressed and homeless
  Refuge may always find,
There ties fraternal, ever
  Men's friendly spirits bind.

Oh, fair and kindly country
  Where peace and plenty reign,
Where the bright star of freedom
  Will never, never wane;
For her pure hearths and temples
  My heart shall ever yearn,
To her green hills and valleys
  My feet shall ever turn.

MISSISSIPPI'S COLONIAL POPULATION AND LAND GRANTS.

By Mrs. Dunbar Rowland.

To the Committee for the Preservation of Existing Colonial Records:—

As Archivist for the Colonial Dames of America in the State of Mississippi and as the representative of the Committee of the National Society for the Preservation of Existing Records, it gives me pleasure to present this report of the progress of the work of preserving existing colonial records in the State of Mississippi. The work was inaugurated June 1, 1913, and was continued up to March 31, 1914. We believe that it constitutes an important investigation, and that it will be regarded as a valuable contribution to the history of the lower South.

At the outset, let me say that my long and close association with the Mississippi State Department of Archives and History has made the work which I have undertaken for the Committee of the National Society of the Colonial Dames of America, very congenial and interesting, since the preservation of official and unofficial manuscript sources of history has for many years engaged the attention of this Department, the object sought being to provide the historian and investigator with a true basis for all future history. Tradition has its charm in the narration of a country's history, and verbal testimony has its place, but records are the materials out of which the historian must weave a trustworthy story of a nation and its people.

There is no work in which the Colonial Dames of America could engage which will bring better returns and prove to be of more permanent value than that which is being inaugurated by the Committee for the preservation of existing records. Funds expended for such a purpose is carrying out one of the highest aims of the organization,—that is, the preservation of the recorded history made by our Colonial forefathers. These sources of our earliest history are of inestimable value and their value will increase as we get further and further from the events which they record.

Nature of the Work.

In undertaking a work of this nature of permanent value, all plans should be made so as to secure the best results from the effort and money expended. The very first object to attain is educational. People must be made to realize the value of historical records or the owners will destroy them, from the simple fact that they do not understand their value. The next important step is to collect and deposit all manuscript and other sources of history in well established Historical Departments that are charged with the care and preservation of such materials. This work should be gladly undertaken by all the Colonial States under the supervision of the Committee for the Preservation of Existing Records, the work of each state being under the control and direction of a State Archivist of the State Society. If all of the Corporate Societies have not created such a position they would find it greatly to their advantage to do so, since through this office the work of historic research and preservation could be conducted systematically. This is the Mississippi plan and it is found to be perfectly adapted to the needs of the situation.

Progress of Work in Mississippi.

After receiving the Commission of the Committee and being advised of its intelligent and well matured plans for the preservation of official records, I began my investigation June 1, 1913. My activities during that time have been along two lines of work: First, in securing information relative to the location and condition of Mississippi colonial records; and second in compiling a list of the inhabitants of the colony under the Spanish dominion, and a list of the land grants under the English dominion. It may very properly be stated here that the colonial history of Mississippi is of unusual interest by reason of the fact that the colony from 1699, the date of its establishment, to 1798, the date of the American dominion, felt the impress of three dominant civilizations of Europe,—France, Spain and England. France controlled the destinies of the colony from 1699 to 1763; England from 1763 to 1781; and Spain from 1781 to 1798, though a slight Spanish influence was felt throughout the territory prior to that of France and England, brought about from the discoveries of DeSoto and other explorers. Each of these powerful nations impressed itself upon the history of Mississippi, and that impress is felt in the life and the customs of its people today, though the overwhelming influence is that of the Anglo-Saxon.

MISSISSIPPI COLONIAL RECORDS.

The largest collection of Mississippi colonial records are, of course, in the archives of France, England and Spain. These have been located by the Mississippi Department of Archives and History and transcripts of these invaluable sources of history are being secured by that Department, fifty volumes having already been transcribed. There are, also, on file in this Department large collections of original colonial records. In addition to these, are valuable and interesting official collections of original colonial records to be found in the cities of Natchez and Fayette, points in the old colonial section of the state and in the hands of old families.

The official records in European repositories consist of:

(a) Royal charters, proclamations, orders, permissions, decrees, etc., relating to the discovery, exploration and settlement of the Mississippi Valley, beginning in 1678.

(b) Ministerial correspondence, letters sent and letters received, including plans and instructions for the equipment of fleets on voyage of discovery, location of settlements, etc., etc.

(c) General correspondence of Colonial Governors, relating to the settlements and government of the country and the daily administration of affairs.

(d) Codes, regulations, lists of colonies, rosters of troops, officers and sailors.

(e) Civil acts, notarial, judicial and ministerial.

(f) Reports of explorers, traders, trappers and of military officers, relating to descriptions of the country and trade with the Indians.

(g) Papers relating to the organization of companies for the development of the country.

(h) Documents relating to land grants, trading and mining rights.

(i) Accounts showing the sums expended in the exploration of the country.

(j) Papers relating to the establishment of Christian missions by the Jesuits.

The papers in the hands of old colonial families consist mainly of land grants and letters. Many of these collections are in good condition, but are stored in garrets and other out-of-the-way places. These should be and will be, if persuasion can bring it about, placed in some safe fire proof repository.

Lists of Inhabitants.

An extensive list of the inhabitants of what is now the State of Mississippi, gathered from documentary sources during the period of 1792, forms a portion of the present report. It must be remembered that the Colonial period of Mississippi extended from 1540, when DeSoto explored that region, to 1798 when it became a territory of the United States, which gives the State an historical colonial period of two hundred fifty years,—a much longer colonial period than that of the colonies to the North. The list of inhabitants above referred to has been carefully compiled from the best sources of information in the Archives of the Indies, in Seville, Spain. This list is invaluable for genealogical purposes.

A list of land grants under the English dominion from 1763 to 1781, is also submitted as a valuable complement to the list of inhabitants. This, like the latter, is useful, for purposes of family history. The list has been compiled from the best documentary sources of information on file in the Public Record Office of London. It has been secured by much painstaking research and, it is believed, will excite interest and attract attention throughout the country, especially in the lower South.

METHODS OF PRESERVATION.

As has already been intimated in the prosecution of the work of the Committee on the preservation of historical records, the most desirable end to attain is to secure the originals and place them in trustworthy repositories where they will be accessible to students and historians. In the event that this cannot be done the next best step is to secure accurate transcripts for preservation in historical departments. In the prosecution of such work, the Colonial Dames can give valuable assistance in the great historical movement for the preservation of history, so manifest throughout the country. The compilation of such lists as accompany this report should be the work of this Society everywhere. These should be made part of the records of the National Society and should be filed under the direction of the Committee on the preservation of Existing Records.

In conclusion, may I say again that the work of the Committee for the Preservation of Existing Records is most important? It should be fostered and vigorously pushed until all of the Colonial States and those possessing a valuable Indian history have taken it up.

Land Grants in British West Florida, from the King of England to the grantees named. The list contains the names of grantee, date of grant and number of acres in the grant, and includes the Natchez District which was a part of British West Florida. The list covers only the territory now included in the state of Mississippi.

Name	Date of Grant	No. of Acres
Thomas Hardy	July 8, 1768	300
Henry Fairchild	Nov. 23, 1768	2,000
Daniel Ward	Nov. 24, 1768	1,500

Name	Date of Grant	No. of Acres
John Ward	Nov. 24, 1768	600
Benjamin Ward	Nov. 24, 1768	2,000
Joshua Ward	Nov. 24, 1768	600
Daniel Clark	Dec. 6, 1768	500
William Burrows	Dec. 6, 1768	600
Charles Stewart, Esquire	Dec. 6, 1768	2,000
Joseph Smith	Nov. 30, 1768	1,200
Alexander Boyd	Dec. 15, 1768	250
Charles Strachan	Dec. 10, 1768	1,000
James Chambers	Dec. 15, 1768	1,000
William Carothers	Dec. 15, 1768	500
Jeremiah Terry, Esqr.	July 23, 1769	460
Thomas Taylor Byrd*	Feb. 1st, 1773	600
Thomas Taylor Byrd*	Feb. 2, 1773	600
William McPherson*	April 26, 1773	600
William McPherson*	April 27, 1773	600
Richard Carr*	Nov. 27, 1772	1,000
Thomas Hutchins, Esquire*	May 12, 1773	1,000
Thomas Hutchins*	May 13, 1773	1,000
James Donald	June 5, 1778	400
James Donald	June 5, 1778	622
Edmund Rush Wegg	July 18, 1778	2,000
Hugh Hamilton	Aug. 6, 1778	500
John Lum	Aug. 6, 1778	350
Walter Scott	Aug. 6, 1778	500
Richard Pearis	Aug. 6, 1778	600
Richard Pearis	Aug. 6, 1778	500
Robert Donald	Aug. 15, 1778	650
Richard Pearis	Aug. 15, 1778	800
Patrick Gallachan	Aug. 15, 1778	700
Patrick Gallachan	Ang. 15, 1778	500
William Collins	Sept. 12, 1778	100
Edmund Rush Wegg	Sept. 21, 1778	1,000
Farquhar Bethune	Sept. 21, 1778	650

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* The asterisk indicates grants from original patentees to private individuals.

Name	Date of Grant	No. of Acres
William Collins	Sept. 23, 1778	300
William Collins	Sept. 23, 1778	50
Elihu Hall Bay and James Amoss	Sept. 23, 1778	1,000
John Mason	Oct. 13, 1778	500
John Miller	Oct. 13, 1778	100
James Peterkin	Dec. 29, 1778	500
William Clark	Dec. 29, 1778	500
John Mitchel, Junior	Dec. 22, 1779	500
John Clover	March 19, 1779	500
Hugh Crawford	March 19, 1779	200
John Wheeler	March 19, 1779	200
William Vousdan	March 19, 1779	500
John Herin	March 19, 1779	100
Thomas Scott	April 23, 1779	480
Alexander Graydon	May 4, 1779	300
Alexander McIntosh	May 25, 1779	4,659
John Gordon	June 16, 1779	850
William Eason	July 7, 1779	500
Robert Tait	Jan. 29, 1780	550
William Thompson	Jan. 29, 1780	450
Thomas Frey	July 4, 1769	200
Richard Barrey	July 4, 1769	50
James Lovell	July 22, 1769	1,000
Joseph Harrison	July 22, 1769	1,525
George Harrison		
John Hayton		
Joseph Hayton		
George Petrie	July 22, 1769	1,000
William Fetherston	July 22, 1769	140
Thomas Coan	July 22, 1769	50
John Bradley	July 22, 1769	1,000
Mary Oliver	July 22, 1769	150
John Smith	July 22, 1769	600
Jacob Phillippi	July 22, 1769	600
James Watkins	July 22, 1769	500

Name	Date of Grant	No. of Acres
Richard Freeman Pearnes	July 22, 1769	50
William Fetherstone	July 22, 1769	1,000
Simon McCormick	July 22, 1769	50
William Mill	July 22, 1769	50
Samuel Osbourn	July 22, 1769	300
Alexander McIntosh	March 6, 1770	500
Phillip Barbour	June 5, 1770	1,500
John Murrey	Aug. 25, 1770	500
Richard Thompson	Aug. 25, 1770	500
Frederick Haldimand, Esqr	Aug. 1, 1772	1,000
Frederick Haldimand, Esqr	Aug. 1, 1772	500
Alexander McIntosh	April 19, 1773	500
Andrew Rainsford	May 12, 1773	1,250
Thomas Hutchins, Esquire	May 12, 1773	1,000
Thomas Hutchins, Esquire	May 12, 1773	1,000
Jacob Winfree	July 7, 1773	1,000
John Southwell	Aug. 2, 1773	1,900
John Summers	Aug. 2, 1773	2,000
Anthony Hutchins, Esquire	Aug. 2, 1773	434
William Hay, Esquire	Aug. 25, 1773	2,000
Major John Small	Aug. 25, 1773	1,000
Captain William Hay	Aug. 25, 1773	1,000
David Dickson, Esquire	Sept 27, 1773	2,000
David Dickson, Esquire	Sept. 27, 1773	1,000
John Small, Esquire	Sept. 27, 1773	1,000
Major John Small	Sept. 27, 1773	1,100
Elihu Hall Bay	Sept. 27, 1773	1,100
John Dalling, Esquire	Nov. 4, 1773	5,000
James Rumsey	March 26, 1774	1,000
Amos Ogden, Esquire	May 6, 1774	3,000
James Barbutt, Esquire	June 13, 1774	500
James Barbutt, Esquire	June 13, 1774	1,000
Jacob Lantor	Oct. 8, 1774	300
William Wilton	Oct. 17, 1774	500
David Dickson, Esquire	Oct. 21, 1774	3,000
Patrick Strachan	Oct. 21, 1774	1,000

Name	Date of Grant	No. of Acres
Thomas Hutchins	Oct. 21, 1774	600
Mrs. Alice Blommart	Oct. 21, 1774	500
Mr. Luke Home	Oct. 21, 1774	600
Thomas Gamble, Esquire	June 13, 1774	1,000
William Johnstone	May 5, 1775	2,000
William Johnstone	May 5, 1775	1,000
Enoch Horton	May 4, 1775	200
John Hocombe	May 29, 1775	1,333
John Hocombe	May 29, 1775	667
John Robinson	July 15, 1775	2,000
Clifton Ann Raincock	July 15, 1775	1,000
William Judd	July 15, 1775	1,000
William Judd	July 15, 1775	1,000
Thomas Hutchins, Esquire	July 15, 1775	2,000
Jeremiah Germain	Aug. 31, 1775	300
William Johnstone	Sept. 12, 1775	1,000
William Gorman	Sept. 12, 1775	243
James Barbutt	Sept. 13, 1775	1,000
Major Robert Farmer	Sept. 22, 1775	3,000
Charles Stuart	July 31, 1775	1,000
Charles Stuart	July 31, 1775	1,000
Charles Stuart	July 31, 1775	1,000
Charles Stuart	July 31, 1775	1,000
Roger Enos	Oct. 13, 1775	2,000
William Wilton	Oct. 13, 1775	300
Joseph Blackwell	Oct. 18, 1775	1,000
James Bruce, Esquire	Nov. 2, 1775	167
Philip Barbour	Feb. 12, 1776	500
John Allen Martin	Feb. 12, 1776	1,000
William Hindson	Feb. 12, 1776	2,000
William Wilton	Feb. 12, 1776	1,000
John Cadwallader William Williams Mary Williams Ann Williams	Feb. 20, 1776	1,000

Name	Date of Grant	No. of Acres
Sir George Bridges Rodney, Baronet	Oct. 13, 1776	5,000
Jacob Paul, Senior	March 27, 1776	100
Samuel Lewis	March 27, 1776	200
Sarah Lewis	March 27, 1776	100
William Grant	May 6, 1776	1,000
William Grant	May 6, 1776	1,000
William Grant	May 6, 1776	1,000
John Lorimer	May 6, 1776	2,000
Thomas Jones	May 6, 1776	200
Susanna Jacobs	May 6, 1776	200
Daniel Perry	May 6, 1776	250
Sir Basil Keith	July 8, 1776	3,000
Evan Cameron	July 22, 1776	150
Philip Barbour	Nov. 12, 1776	250
Philip Barbour	Nov. 12, 1776	250
Philip Barbour	Nov. 12, 1776	250
Robert Robinson	Nov. 14, 1776	100
William Hays	Nov. 14, 1776	400
Hannah Lum		
William Lum and Jesse Lum	Nov. 14, 1776	300
Robert Spears	Nov. 22, 1776	500
Peter Chester, Esquire	Nov. 22, 1776	1,000
Elizabeth Augusta Carrique	Nov. 22, 1776	500
Edward Tying	Nov. 29, 1776	2,000
George Cauld, Esquire	Dec. 12, 1776	2,000
John Payne	Dec. 12, 1776	2,000
Augustine Prevost, Esquire	Dec. 31, 1776	5,000
Daniel Vanderweid	Feb. 24, 1777	500
Cephas Kenard	March 4, 1777	250
David Waugh	March 11, 1777	1,000
William Marshall	March 24, 1777	1,000
William Ellis	March 24, 1777	200
Donald McPherson	April 5, 1777	300
Jacob Paul, Junior	April 5, 1777	100
Thomas Harmon	April 22, 1777	650

Name	Date of Grant	No. of Acres
John Blommart	April 29, 1777	2,000
George Grant	May 1, 1777	2,000
James Hutchinson	May 1, 1777	200
Benjamin Gower	May 5, 1777	500
Alexander McIntosh	May 5, 1777	400
John Smith	May 26, 1777	200
John Bolls	May 26, 1777	100
Parker Carradine	May 26, 1777	100
James Smith Yarborough	June 2, 1777	400
James Robertson	June 16, 1777	2,000
John Alston	June 16, 1777	450
Mary Ogden	June 30, 1777	500
Patrick Stuart	July 11, 1777	1,000
Philip Harmon	July 21, 1777	150
John Bentley	July 21, 1777	200
William Browne	July 21, 1777	150
Mary Dwyer	July 28, 1777	200
Angelique Brouaque Johnstone	Aug. 15, 1777	1,000
Thomas James	Aug. 15, 1777	500
Thomas James	Aug. 15, 1777	100
Isaac Johnson	Sept. 1, 1777	1,000
John Blommart, Esquire	Sept. 1, 1777	200
Margaret Stampley	Sept. 1, 1777	100
William Vousdan	Sept. 15, 1777	200
Alexander McIntosh	Oct. 9, 1777	200
Samuel Gibson	Oct. 9, 1777	100
James Perry	Oct. 9, 1777	100
Christopher Marr	Oct. 9, 1777	100
Luke Collins, Senior	Oct. 9, 1777	500
Luke Collins, Junior		200
Thomas Collins	Oct. 9, 1777	200
Theophilus Collins	Oct. 9, 1777	200
Michael Golden	Oct. 9, 1777	100
John Tally		300
Benjamin Roberts		250
Athannasius Martin	Oct. 9, 1777	100

Name	Date of Grant	No. of Acres
William Case	Oct. 9, 1777	300
Christian Bingamon	Oct. 11, 1777	600
John Lusk		150
Jeremiah Routh	Oct. 13, 1777	500
Nathan Sweazey	Oct. 13, 1777	250
John Watkins	Oct. 23, 1777	250
David Odam	Oct. 23, 1777	200
William Stiell	Nov. 8, 1777	200
William Fricker	Nov. 8, 1777	2,000
Weston Varlo, Esquire	Nov. 13, 1777	2,000
Weston Varlo		2,000
Weston Varlo, Esquire		1,000
Alexander Ross	Nov. 19, 1777	2,000
James Robertson	Dec. 17, 1777	500
Peter Kennedy	Dec. 17, 1777	500
Peter Kennedy		500
Mrs. Sarah Stuart	Dec. 17, 1777	1,000
Richard Wells	Jan. 6, 1778	2,000
Peter Walsh	Jan. 6, 1778	924
Peter Rochat		2,000
James Hughes	Jan. 6, 1778	550
Augustin Prevost	Jan. 15, 1778	1,000
Peter Beeson	Feb. 14, 1778	100
Ebenezer Brown		100
Emanuel Madden		100
John Stephenson	Feb. 28, 1778	1,200
John Arnott	March 11, 1778	2,000
James Cole	March 20, 1778	550
John Collins	March 20, 1778	200
William Collins		200
John Ross	March 20, 1778	300
Andrew Cypress	March 20, 1778	100
William Stiell	March 30, 1778	2,000
George Eberhard	March 30, 1778	500
Augustin Prevost	March 30, 1778	1,000
Augustin Prevost	March 30, 1778	1,000

Name	Date of Grant	No. of Acres
John Grant	April 9, 1778	2,000
Donald McDonald	April 29, 1778	2,000
Richard Hawford	May 14, 1778	2,000
Phillip Affleck, Esquire	May 15, 1778	5,000
John Bolls	Aug. 6, 1778	150
Thomas Comstock		150
William Stiell, Esquire	Aug. 15, 1778	2,000
John Chrystie, Esquire	Aug. 15, 1778	1,000
Archibald Dalziel	Aug. 15, 1778	800
Archibald Dalziel	Aug. 15, 1778	300
Archibald Dalziel		300
Archibald Dalziel		300
Archibald Dalziel	Aug. 15, 1778	300
Joseph Charleville	Aug. 15, 1778	200
Robert Tendall	Aug. 22, 1778	2,000
John Marr	Sept. 23, 1778	500
John Marr		500
James Sutherland	Sept. 23, 1778	1,500
James Sutherland	Sept. 23, 1778	1,500
Christopher Gise	Nov. 11, 1778	706
Ann Williams	Nov. 11, 1778	300
Ephraim Thornell	Nov. 12, 1778	100
John Hartley	Nov. 12, 1778	200
George Eberhard	Nov. 24, 1778	500
James Murray	Nov. 24, 1778	500
Jacob McCarty	Dec. 5, 1778	300
Francis Fisher		100
Stephen Jordon	Dec. 5, 1778	200
Thomas Carter	Dec. 5, 1778	150
Henry Bradley	Dec. 5, 1778	150
Augustine Moreau	Dec. 19, 1778	100
Thomas Pitt	Jan. 15, 1779	200
Benjamin James	Jan. 15, 1779	500
Alexander Campbell	March 15, 1779	1,000
Frederic George Mulcaster	March 24, 1779	1,000
Robert Ross	March 31, 1779	1,000

Name	Date of Grant	No. of Acres
Jahn Auchinleck	April 8, 1779	3,000
Peter Walsh	April 26, 1779	585
James Hughes	April 26, 1779	1,000
Joseph Nunn, Esquire	May 10, 1779	3,000
John Ferguson, Esquire		3,000
Daniel McGillivray	May 25, 1779	300
John Hostler	May 25, 1779	200
John Row	May 25, 1779	200
Jacob Schnell	May 25, 1779	300
Benjamin Stanley		200
William Garnier, Esquire	May 28, 1779	5,000
Richard Ellis	June 16, 1779	850
Richard Ellis	June 16, 1779	1,000
Zaccheus Routh		400
Charles Campbell	July 21, 1779	100
Jacob Paul		200
Sarah Mayes	July 23, 1779	100
Andrew Carr	July 22, 1779	200
Lieut. Col. William Stiel	Aug. 27, 1779	1,000
Joseph Pinhorn	Aug. 21, 1779	200
James Christie	Sept. 8, 1779	565
Charles Percy	Sept. 23, 1779	600
John Firby	Sept. 23, 1779	100
Anthony Hutchins, Esquire	Oct. 4, 1779	419
Patrick Kelly	Sept. 2, 1779	200

Census of the inhabitants of the District of Natchez, under the dominion of Spain, in 1792.

District of Big Black.
Tobias Brashears.
Guillermo Cheney.
Juan Stowers.
Frederico Gunnels.
Jorge Novres.
Roberto Camell.
Federico Myer.

District of Big Black —Con.
Garet Rapalye.
Isaac Rapalye.
Santiago Repalye.

District of Buffalo Creek.
Daniel Clark.
Carlos Percey.

District of Buffalo Creek—Con.

Guillermo Collins.
David Leyeune.
Zacarias Smith.
Pedro Smith.
Zarcarias Smith, Joven.
Daniel Ogdon.
Juan Lobellas.
Thomas Lobellas.
Edwardo Lobellas.
Ebenezer Potter.
David Johns.
Antonio Daugherty.
Guillermo Landerfield.
Jeremias Lyons.
Patricio Sullivan.
Juan Bartley.
Juan Alston.
Enrique Roach.
Guillermo Alston.
Jaime Smith.
Guillermo Willson.
Lily White.
Orange.
Margarita Ross.
Guillermo Colleman.
Phelipe Luis Alston.

District of Bayou Sara.

Francisco Pausset.
Juan Wall.
Andres Here.
Reuben Dunman.
Guillermo Brown.
Davis Ross.
Jaime Ryan.
Juan Green.

District of Bayou Sara—Con.

Juan Welton.
Abram Hotton.
Roberto Stark.
Juan Oconer.

District of Bayou Pierre.

Guillermo Broccas.
Gibson Clarke.
Jaime Lobdal.
Tomas Gobbard.
Guillermo Young.
Daniel Chambers.
Jaime Finn.
Tomas Farinton.
Ephraim History.
Reuben Proctor.
Lucius Smith.
Jere Smith.
Ebenezer Smith.
Juan Sluter.
Ezekiel Hoskins.
Seth Rundell.
Moises Armstrong.
Juan Wilkerson.
Tormas Voice.
Adwardo Trail.
Elias Flowers.
Jesus Randell.
Samuel Gibson.
Elias Smith.
Reuben Price.
Federico Stokman.
Pedro Bruin.
Benjamin Brashears.
Edwardo Brashears.
Watterman Crane.

District of Bayou Pierre—Con.

Daniel Miller.
Guillermo Taybor.
Isaac Five.
Tomas Irvins.
Carlos Hemell.
Patricio Cogan.
Juan Smith.
Manuel Rice.
Estavan Richards.
Buker Pittman.
Solomon Witley.
Jacob Hartley.
Juan Hartley.
Jacabo Coyleman.
Leonardo Price.
David MacFarland.
Tomas Smith.
Pheby Goodwind.
Ricardo Grims.
Jacabo Piatte.
Jaime Harman.
Ezekiel Harman.
Jese Dwet.
Jaime Layton.
Guillermo Howey.
Jacaba Cobbun.
Samuel Cobbun.
Juan Burnet.
Daniel Burnet.
Tomas Beams.
Jaime Deavenport.
Guillermo Harkins.
Ricardo Lord.
Juan Routh.
Paterico MacHeath.
Estavan Cembrely.

District of Bayou Pierre—Con.

Juan Carrel.
Guillermo Miller.
Elizabeth Dervin.
Benjamin Fooy.
Juan Frasher.
Isaac Fooy.
Jaime Mather.
Ana Humphrey.
Jorge Humphrey.
Juan Naylor.
Pedro Serlot.
Francisco Naylor.
Juan Ivers.
Guillermo Basset.
Melling Wooley.

District Second Sandy Creek.

Guillermo Alcheson.
Pedro Surget.
Pedro Presley.
Jaime Sanders.
Jese Carter.
Jorge Aldrige.
Abner Green.
David Mitchell.
Crestobal Gilbert.
Jacobo Earheart.
Juan Ellis el jovn.
Juan Rapalye.
Ricardo Ellis.
David Gallermore.
Anna Barket.
Jonathan Masters.
Nathaniel Tomlston.
Juan Duesbery.
Roberto Withers.

District Second Sandy Creek—Con.

Juan Bodin.
Nehemiah Carter.
Tomas Landphier.
Samuel Phips.
Samuel Cooper.
David Kennedy.
Cataline Cunningham.
Nicolas Rob.
Nicolas Rob el joven.

District Second and Sandy Creek.

Darius Anderson.
Arche MacDuffe.
Antonio Hutchins.
Philander Smith.
Calvin Smith.
Jesse Greenfield.
Arturo Cobb.
Sara Holms.
Guillermo Glascok.
Estavan Minor.
Isac Johnson.
Juan McFee.
Guillermo Preston.
Miguel Minorby.
Juan Stout.
Guillermo Chambers.

District of Homochitto.

Archwaldo Palmer.
Ruffin Gray.
Barney Higgins.
Tomas Cummins.
Patricio Foley.

District of Homochitto—Con.

Jaime Nicholson.
Landon Davis.
Donaldo McCoy.
Estavan Ambrose.
Augusto Rodey.
Enrique Nicholson.
Mateo MacCullock.
Enrique Phips.
Benjamin Carrell.
Jose Miller.
Tomas Murray.
Jose Dow.
Isac Gaillard.
David Swazay.
Abraham Ellis.
Nataniel Tomlston.
Ana Savage.
Jaime Kirk Gabriel Swezey.
Job Corry.
Ricardo Corry.
Jeremias Corry.
Nathan Swezy.
Juan Lusk.
Mordica Richards.
Roberto Miller.
Obediah Brown.
David Lambert.
Caleb King.
Juan Chambers.

District of Villa Gayoso.

Parker Carradine.
Archwald Robinson.
Jaime Edward.
Elizabeth Young.
Abraam Green.

District of Villa Gayoso—Con.

Margarita Stampley.
Federico Manedo.
David Odam.
Guillermo Falconer.
Abraam Mays.
Tomas Master Green.
Guillermo Kirkland.
Samuel Kirkland.

District Second Sandy Creek.

Matee Jones Oja.
Estavan Stephenson.
Juan Newton.
Jacobo Adams.
Jaime Kelly.
Isac Alexander.
Joel Weed.
Samuel Heady.
Jacobo Miller.
Jorge Holland.
Tomas Martin.
Guillermo Ratliff.
Juan Paterson.
Guillermo MacDougle.
Tomas Nichols.
Ebenezer Barrows.
Juan Spires.
Jaime Oglerby.
Little Berry West.

District Sandy and Second Creek.

Guillermo West.
Tomas Morgan.
Guillermo Morgan.
Juan Armsreit.

District Sandy and Second Creek—Con.

Jaime Stewart.
Juan Holladay.
Josua Howard.
Bearly Pruet.
Juan Ratliff.
Jose Slater Bal.
Guillermo Lee.
Daniel Harrigal.
Tomas Martin.
Miguel Williams.
Jaime Richardson.
Jose Stockstill.
Margarita Hifler.
Pedro Nilson.
Juan Craven.
Juan Calvet.
Thomas Foard.
Jaime Cooper.
Nataniel Butler.
Guillermo Calvet.
Elias Bonill.
Guillermo Cooper.
Juan Foard.
Guillermo Fletcher.
Benjamin Fletcher.
Hugh Slater.
Juan Ervin.
Jaime Ervin.
Samuel Cooper.
Alexandro Farrow.
Enrique Cooper.
Jorge Bayly.
Ephain Bates.
Daniel MacGill.
Benjamin Bullock.

District Sandy and Second Creek—Con.

Benjamin Laneer.
Benjamin Holmes.
Roberto Abranns.
Tomas Purling.
Mateo White.
Juan Cowel.
Juan Ellis.
Guillermo Dunbar.

District of Villa Gayoso.

Francisco Spain.
Jaime Spain.
Alexandro Callender.
Ephraim Coleman.
Guillermo Clark.
Redman Conely.
Samuel Davis.
Juan Stampley.
Ricardo Curtes.
Juan Smith.
Tomas Calvet.
Juan Andelton.
Tomas Splun.
Juan Rich.
Juan Young.
Jese Monson.
Juan Garet.
Narcisco Hunter.
Isac Taylor.
Juan Strabeker.
Jose Dyson.
Tomas Dyson.
Enrique Hunter.
Roberto Monson.
Enrique Milburn.

District of Villa Gayoso—Con.

Juan Credy.
Juan Cortney.
Pedro Hill.
Marcos Coil.
Tomas Smil.
Juan Jones.
David Smith.
Guillermo Farbanks.
Juan Greeffin.
Abel Easmin.
Earl Marbel.
Jorge Murray.
Gabriel Greeffin.
Juan Arden.
Daniel Douglass.
Archibald Douglass.
Favid Douglass.
Estavan Douglass.
Ezekiel Newman.
Isac Newman.
David Greenlief.
Prospero King.
Guillermo Bishop.
Recardo King.
Justo King.
Jese Hamelton.
Denis Collins.
Juan Clark.
Lucia Clark.
Jaime Clark.
Jaime Kenty.
Adam Lanhart.
David Hellbrand.
Jose Fowler.
Guillermo Boveard.
Maydelen Perry.

District of Villa Gayoso—Con.

Jonathan Ruker.
Juan Crutheirs.
Daniel Perry.
Guillermo Beardman.
Jacobo Shilling.
Juan Martin.
Nataniel Kennson.
Miguel Guise.
Jaime Hilonds.
Benjamin Curtes.
Ricardo Roddy.
Adam Cloud.
Mordica Frockmorton.
Roberto Frockmorton.
Guillermo Ferguson.
Nataniel Brown.
Guillermo Durch.
Patricio McDermot.
Juan Donaldson.
Stewart Higginson.
Juan Williams.
Cato West.
Josua Collins.
Jaime Truly.
Guillermo Burch.
Guillermo Lum.
Dibdal Holt.
David Holt.

District of Santa Catalina.

Le Veude Mulhollon.
Cristian Bingham.
Jonatha Perkins.
La Vieuda Oilor.
Roberto Cochran.
Juan Rodriguez.

District of Santa Catalina—Con.

Nataniel Tomlinton.
Guillermo Smith.
Philitus Smith.

District of Villa Gayoso.

Guillermo Murrah.
Margarita Routh.
Jeremias Routh.
Elias Routh.
Job Routh.
Roberto Wathe.
Juan Ferry.
Alexandro Grant.
Estavan Scriber.
Jose Scopkil.
Jorge Dewange.
Jose Green.
Nathan Green.
Littleberry Hust.
Juan Holt.
Guillermo Mathews.
Guillermo Curtis.
Carlos Simmons.
Juan King.
Juan Garkins.
Carlos Colins.
Samuel Foster.
Patricio Sullivan.
Jorge Jones.
Juan Roberts.
Jacobo Cable.
Jasper Sinclear.
Juan Anderson.
Jorge Baínder.
Jorge Stampley
Guillermo Patterson.

District Villa Gayoso—Con.
Adam Beakly.
Juan Hambeeling.
Guillermo Hamberling.
Estavan de Alva.
Jorge Cleare.
Enrique Platner.
Jacobo Hufman.
Clemente Dyson.
Juan Dyson.
Justo Humphreys.
Andres Wadkins.
Edmundo Johnson.
Roberto Crayton.
Tomas Daniels.
Maria Shepman.
Tomas Adams.
Abraam Glason.
Guillermo Adams.
Enrique Green.
Bernabe Isenhoot.
Miguel Fake.
Juan Fake.
Jacobo Crumholf.
Tomas Robeson.
Roger Dixon.
Jorge Forman.
Guillermo Ervin.
Jaime Johns.
Juan Cole.
Estavan Cole.
Samuel Karr.
Ismy Forman.
Jaime Cole el viejo.
Solomon Cole.
Benjamin Still.
Abner Marvill.

District Villa Gayoso—Con.
Juan Zeines.
Guillermo Cole.
Jacobo Stampley.
Jaime Cole el joven.
Ricardo Harrison.
Benito Truly.
Groves Muris.
Hugh Bell.
Guillermo Thomas.
Tarpley Bayly.

District of Santa Catalina.
Guillermo Baker.
Juan Odum.
Jose Calvet.
Maria Igdom.
Benjamin Belk.
Juan Willey.
Estavan Haines.
Juan Haines.
Jephta Higdon.
Juan Bols.
Tomas Moore.
Juan Dix.
La Vuida Calvet.
Jeremais Coleman.
Israel Coleman.
McCurtis.
Guillermo Daniels.
Ricardo Dun.
Isac Tabor.
Roberto Dunbar.
Ricardo Ellis.
La Vuida Carpenter.
Marta Foster.
Jaime Foster.

District of Santa Catalina—Con.

Alexandro Henderson.
Pedro Camus.
Juan Lum.
Hugh Coyle.
Tomas Kelly.
Miguel Doren.
Andres Bell.
Jese Withers.
Jaime McIntire.
Moises Bonner el Viejo.
Will Bonner.
Moises Bonner el joven.
Jose Bonner.
Enrique Manadue.
Enrique Manadue el joven.
Carlos Howard.
Juan Vaucheret.
Jose Vaucheret.
Jose Vaucheret.
Windsor Pips.
Abner Pips.
Juan Stowers.
Juan Conarrod Strong.
Juan Baptests.
Carlos Boardman
Azael Lewis.
Emanuel Madden.
Roberto Cotton.
Miguel Pamer.
Juan Bisland.
Jaime Wade.
Guillermo Owens.
Tomas Jordan.
Jaime Bonner.
Juan Kenrick.
Juan Osberry.

District of Santa Catalina—Con.

Francisco Pourchous.
Antonio Pourchous.
Gabriel Benoit.
Juan Carrel.
Juan Scoggins.
Juan Shonauer.
Guillermo Henderson.
Eliza Ophill.
Francisco Anderson.
Jose Bernard.
Jorge Fitzgerald.
Jaime Fitzgerald.
Daniel Crafton.
Polser Shilling.
*Jaime Ferry.
Guillermo Barland.
Bernardo Lintot.
David Williams.
Benjamin Momanto.
Sutton Banks.
Antonio Grass.
Estavan Mays.
Tomas Rule.
Alexandro Moore.
Adam Bingman.
Eunice MacIntoche.
Guillermo MacIntoche.
Guillermo Smith.
Philetus Smith.
Roberto Todd.
Ricardo Adaams.
Federico Man.
Carlos King.
Israel Leonard.

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* More likely *Terry*

District of Santa Catalina—Con.

David Mulkey.
Guillermo Gillaspie.
Carlos Kayson.
Ishamer Andrews.
Jacobo Percey.
Margarita Mygatt.
Guillermo Silkreg.
Jaime Glascok.
Archwald Sloan.
Catalina Smith.
La Vuide Urry.
La Vuida Cobberston.
Guillermo Vousdan.
Solomon Leyenne.
Tomas Huggs.
Jaime Willey.
Samuel Tanner.
Daniel Sullivan.
Jesus Beanden.
Tomas Reed.
Daniel Huilker.
Ezekiel Dwet.
Jose Duncan.
Samuel Swezey.
Solivester.
Tomas Jackson.
Luis Vilaret.
Andres Scandling.
Ebenezer Dayton.
Juan Tomas.
Eduardo MacCable.
Juan Wilson.
Tomas Freman.
Ricardo Swezy.
Jacobo Stoop.
Juan Conner.

District of Santa Catalina—Con.

Guillermo Weake.
Ricardo Bell.
Reuben Gibson.
Gibbs Gibson.
Samuel Flowers.
Tomas Foster.
Guillermo Foster.
Guillermo Gilbert.
Nataniel Iwey.
Abram Horton.
Ezekiel Forman.
La Muger de Jeremias Bryan.
Guillermo Elliott.
Cornelio Shaw.
Jose Harrison.
Juan Bulling.
Tomas Darrah.
Carlos Johns.
Jaime Forzith.
Juan Ferguson.
Gorge Troops.
Guillermo Stock.
La Vuida Smith.
Juan Foster.
Samuel Gilkson.
Cristian Harman.
Tomas Reilly.
Juan De Bready.
Jorge Rich
Jorge Killian.
Juan Perkins.
Kedow Rabby.
Ricardo Miller.
Guillermo Ryan.
Carlos Adams.

District of Santa Catalina—Con.	*District of Santa Clara*—Con.
Carlos Carter.	Roberto Carter.
Guillermo Morning.	Jose Perkins.
Job Richards.	Juan Elmore.

Note—The spelling of names is given as recorded in official records. However, it is well to note that many of the officials of that time were uneducated Spanish officers, and English names, as well as Spanish and French, were corrupted in the spelling.

HISTORY OF COMPANY "C," SECOND MISSISSIPPI REGIMENT, SPANISH-AMERICAN WAR.

By James Malcolm Robertshaw.

It is now over seventeen years since the company disbanded. Time passes rapidly and memory is faulty, and, unless we preserve by record what heretofore has been in the custody of memory, a true knowledge of an event in which the youth of Washington county participated, may be found wanting and irrecoverable.

I will commence with a brief history of our local military company, the "Delta Guards," subsequently known after reorganization as Company "C." This company was organized April 1, 1895, and the object at the time was more or less a local necessity, aside from which its claims were attractive to the youth of the community for other reasons. In the first place, it assured the members of the company an annual summer vacation in the way of an encampment in the vicinity of some town or city of the state where arrangements were always made to entertain the soldiers in a festive manner. One of the principal features of such entertainments were dances each evening, in which a majority of the soldier boys would participate, and by them considered great successes; for, while their brass buttons were in evidence, the civilians had to take a second place, and so it was with everything else. The manual duties of the company were virtually nominal, except to insure proper training in drills for such occasions. In a few words, it was a company of good fellows, friends who enjoyed each other's society. However, this great round of pleasure did not last; the war clouds could be seen gathering on the horizon and it was then the boys first realized what it meant to be a soldier. When the battleship Maine was destroyed in the harbor of Havana in February, 1898, it was soon determined that war with Spain was inevitable, and the one topic discussed was the war.

When the United States had declared war and needed recruits, small crowds of soldier boys, belonging to the Delta Guards, would assemble on the streets and discuss the matter with their friends, and those who had enlisted in the state militia felt the importance of their commission; however, the governor in his proclamation of April 29, 1898, did not make it compulsory for the members of the National Guards to enlist and it was optional with the men who had already enlisted in the state service, whether or not they would answer their country's call; but feeling in honor bound, the Delta Guards, almost to a man, when called upon responded to the call, and like everything else Greenville does she furnished her quota of volunteers. At this time, Henry T. Ireys, Jr., volunteered his services to the Delta Guards, and he was immediately enrolled and chosen as captain of the company; this honor was bestowed upon him because of his early training at the Virginia Military Institute which had equipped him in every way to take charge of the company. He reorganized the company and arranged for regular drill practice to prepare the boys for the service ahead of them. On the streets of Greenville, crowds would gather in the evenings to watch the company drill, and enthusiasm waxed stronger and stronger as new members enlisted, until April 25th, when the company had enrolled a membership of seventy men awaiting orders. On April 26, 1898, a message was received, dated at Jackson, Mississippi, as follows:

"The president calls for two volunteer infantry regiments. How many of your company will volunteer? Regiments are to be formed and officers elected as now prescribed when troops are assembled at rendezvous."

(Signed) "Wm. Henry,
Adjutant General Mississippi."

When this message came, it produced a thrill of intense excitement through the whole town, and all felt that the time had come when the soldier boys would receive orders to proceed to Jackson, Mississippi. The company having been already organized, the adjutant general was immediately notified that the Delta Guards would furnish seventy men. Governor A. J. McLaurin's proclamation was issued April 29, 1898, but it was some days later when the company received orders to report at Camp Pat Henry, Jackson, Mississippi, on May 28, 1898.

A reception was given by the good people of Greenville on the eve of the company's departure, and the soldier boys assembled at the armory on that evening and marched in a body, seventy strong, to the assembly hall, where the reception was held. They were cheered by the crowd, and Sommer's band played patriotic airs which imbued all with the enthusiastic spirit of the occasion. Fathers, mothers, sisters, brothers, sweethearts and friends, all had come to take part in the reception, and the following program was arranged for the occasion:

Prayer ------------------------------Rev. Quincy Ewing
Music, "Star Spangled Banner"----Public School Children
Presentation Speech by ------------Capt. W. G. Yerger
Song, "Dixie," School children accompanied by Sommer's band
Patriotic Address by --------------Judge J. H. Wynn
Response by -----------------------Hon. Walton Shields

At the close of the program, the evening proved anything but joyful, for everybody was sad at the thought of parting, as the company was to leave on a seven o'clock special train over the Southern railway next morning.

It was arranged for the fire alarm to sound the tocsin at four o'clock, at which time the boys were to be aroused for their departure; and when it was sounded, the bells and whistles of the town all joined their voices to the alarm, making the early dawn of May 28, 1898, one long to be remembered by the population of Greenville, who, without exception, left their homes to see their boys off, bidding them farewell and asking

God's blessing on them while away, and hoping for their safe return. There were many tears to be seen on the faces of those left behind and the soldiers were not the liveliest of men as their train pulled out.

The special gathered companies along the line as they went, arriving at Jackson, Mississippi, at 4:30 p. m. the same day. The different companies reported at Camp Pat Henry and were immediately examined by the board of surgeons before being mustered into the service of the United States. In order to pass, the following examination was necessary:

"CIRCULAR"

"May 5, 1898."

"The physical requirements of volunteers are briefly as follows: The applicant must be sound, have good vision, weigh at least 125 pounds, not more than 195 pounds, to be at least 5 feet 4 inches tall, and have chest measure expiration of at least 32 inches and chest mobility of at least 2 inches, ages 18 to 45.

(Signed) "WM. HENRY,
Adjutant General."

It was necessary for those who joined under the age of twenty-one years to have a permit of consent from their parents. This examination recalls an instance of one of our ambitious young men who did not weigh quite enough to pass the examination, and in order to pass, he drank a bucket of lemonade, with which assistance he was able to tilt the scales to the weight required, which made him very happy. After having passed the examination, the following telegram will show that the "Swamp Angels" were healthy subjects:

"Special to the Democrat:

Jackson, Miss., May 28, 1898.

Seventy examined, sixty-four passed, two under age. Delta Guards passed best physical examination of any company so far examined."

Two of those rejected were so determined to go with the company that they volunteered as cooks and so stayed with us.

After passing the examination, the company was assigned to one end of a large circus tent, and were given plenty of loose hay for bedding, and a good hard ground on which to rest their weary bones. This rapid change from the easy luxury of comfortable homes brought quick realization of the hardships ahead, but the boys accepted the situation with good cheer. In order to recruit the company up to eighty men, as required, Captain Ireys telegraphed home for twenty-odd recruits, and on June 1st, a reinforcement arrived at Jackson in charge of Captain W. K. Gildart, accompanied by Messrs. T. H. Hood and George Wheatley, from which squad, seventeen men were declared physically all right. As the various companies would report and pass examination, they would be assigned to the same large circus tent until there were about six hundred men under one canvas, and truly the tent served its purpose as a circus tent, for such a managerie was never gathered together in the world before. At night, the fun commenced. The officers found it impossible to control the men under the undisciplined conditions and advantage was taken of the situation. and the boys would have a potato shower nearly every night, when you could hear men from all parts of the tent saying everything but their prayers.

In the regular army, the boys found it quite different from their state encampments, as the enlisted men were given practically no recognition by society. However, our boys were perfectly satisfied with the good company of each other. Wash day was one of the chief attractions for the visitors at the big tent. The guy ropes of the tent had the washing strung out, which was done by the newly enlisted soldiers; frequently visitors from town would amuse themselves by walking around the camp. Occasionally some friends from home came and they were always welcome guests; sometimes they would mess with the boys, and bring them messages of good cheer from home folks.

The board of supervisors of Washington county, in order to assist Company C, in case of need, authorized $250.00 placed at their disposal, of which only a small part was used. Upon return of the company there was a balance of $197.07, and the board was asked what disposition they wanted made of same, but the matter was left entirely with Company C, and upon vote being taken, the money was donated to King's Daughters Circle No. 2.

On June 2, 1898, the Delta Guards were mustered into the United States service as Company C, second regiment of volunteer infantry, with the following regimental officers: William A. Montgomery, colonel; Devereaux Shields, lieutenant colonel; George C. Hoskins, major; John P. Mayo, major; Joseph M. Jayne, Jr., adjutant; Hiram Cassedy Jr., quartermaster; Madden W. Hamilton, major and surgeon; Henry C. Kent, captain and surgeon; George W. Acker, first lieutenant and adjutant; E. D. Solomon, captain and chaplain; Sam Montgomery, sergeant major; James W. Nelson, regimental quartermaster sergeant.

Devereaux Shields commanded the first battalion of which Company C was a part.

On June 14, 1898, the second regiment was ordered to report to General Fitzhugh Lee at Jacksonville, Fla., and the date of departure was fixed for June 20th. The good ladies of Jackson supplied each soldier with a nice box of lunch to take on the train with them, which they thoroughly enjoyed. They were transported by special train to Jacksonville arriving there June 22, 1898, which will be shown by following telegram:

"Panama Park, Jacksonville, Fla., June 22, 1898—(Special) Second Mississippi fortunate in selecting of camp. St. John river flows within one-half mile northeast of camp and a large creek called Trout creek, almost a river itself, empties into St. John river within one-fourth of a mile of Camp Cuba Libre, and were assigned to the Seventh Army Corps."

Camp Cuba Libre was located at Panama Park, Florida, six miles from Jacksonville on the Florida Central and Peninsular railway. Panama Park was only a small place with one or two houses and when the regiment first arrived they found it an uninviting wilderness and before pitching the tents, the troops had to make a place for camping grounds. Many small trees and bushes had to be removed and as the government had not furnished the troops with any necessary implements for that sort of work, it was difficult to clear the place. The work started with a few hatchets, an ax or two and a thousand men. It was not long before the young pine trees, pulled out of the sand, began to disappear. Apparently the work was done without trouble, but it required as many as ten or fifteen men sometimes to uproot one small tree. Occasionally the monotony was broken by a rabbit jumping from the bushes when he was given a merry chase for his life, some escaping, but others were captured to fill the pots to be cooked for the supper of a bunch of hungry men. When the ground was finally cleared, and things shaped up, it was not long before our camp was considered one of the best the United States had for troops. Tall pine trees were left standing in some of the company streets, and in a forest of pine trees headquarters was located, while out in the campus not a tree was to be seen. In the evening small groups would gather and exchange many interesting happenings of the day in regard to their camp life.

Shortly after arrival at Panama Park instructions came to recruit the company up to 106 men and there were volunteers from Illinois, Tennessee and other points who found place in the ranks of Company C.

Roster of Company C, name, rank, residence and remarks:
Henry T. Ireys, Jr., captain, Greenville.
Henry W. Starling, first lieutenant, Greenville.
Richard D. Bedon, second lieutenant, Greenville.
Wm. D. Robertshaw, first sergeant, Greenville.
Mat C. Scurry, quartermaster sergeant, Greenville.
James M. Robertshaw, sergeant, Greenville.
Abram G. Yerger, sergeant, Greenville.
William Urquhart, sergeant, Greenville.
George B. Hunt, sergeant, Greenville.
Dabney H. Hood, sergeant, Greenville.[1]

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[1] Discharged July 14, 1898; was appointed First Lieutenant Fifth U. S. Volunteer Infantry by President McKinley.

Walton Shields, sergeant, Greenville.[2]
Maurice A. Bergman, corporal, Greenville.
Robert S. Gildart, corporal, Greenville.
William P. Montgomery, corporal, Greenville.
Elias W. Floyd, corporal, Greenville.
Walter G. Blake, corporal, Greenville.
William B. Meisner, corporal, Greenville.
Lyne Starling, Jr., corporal, Greenville.
William T. Freeman, corporal, Greenville.
Jacob Sarason, corporal, Greenville.
Richard T. Harbison, corporal, Greenville.
Elliott C. Wetherbee, corporal, Greenville.
John P. Archer, corporal, Greenville.[3]
Samuel M. Allen, musician, Greenville.
Lawrence H. Bass, musician, Greenville.
John O. Morton, artificer, Greenville.
James H. Laycock, wagoner, Greenville.
Howell C. Benning, private, Greenville.
Ivan Behymer, private, Chicago, Ill.
Archie C. Bell, private, Greenville.
Charlie Y. Burns, private, Greenville.
Otos A. Carnine, private, Greenville.
Samuel C. Caswell, private, Greenville .
James Clancy, private, Greenville.[4]
John R. Colmery, private, Greenville.
Charles C. Crane, private, Greenville.
Richard J. Crittenden, private, Greenville.
Harry Dillingham, private, Toronto, Canada.
Walter B. Dorwart, private, Memphis, Tenn.
Sidney S. Eckstone, private, Greenville.
Clarence A. Felts, private, Chrisman, Ill.
John A. Gary, private, Greenville.
Ustace A. Giesler, private, Greenville.

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[2] Discharged July 14, 1898; was appointed captain of the Fifth U. S. Volunteer Infantry by President McKinley.

[3] Discharged Nov. 30, 1898, on account of health.

[4] Transferred to hospital Sept. 10, 1898.

Wilson P. Hall, private, Greenville.
Chas. W. Hammer, private, Maima, I. T.
Chas. E. Hartman, private, Greenville.
Ethel Harwell, private, Memphis, Tenn.
Robert S. Head, private, Greenville.
George B. Hebron, private, Leland.
Walter J. Hovis, private, Greenville.
William A. Ingram, private, Greenville.
Harry A. Jame, Chicago, Ill.
James Jones, private, Jackson, Tenn.
Glen N. Keith, private, Greenville.
Richard B. Kemp, private, Canton.
William L. Kirves, private, Greenville.
William J. Lawson, private, Greenville.
A. T. Linsey, private, New Orleans, La.
John Lang, private, Chicago, Ill.
Phillip C. Love, private, Arcola.
David G. Love, private, Arcola.
Pat F. Luter, private, Winona.
John E. Martin, private, New Orleans, La.
C. W. Macmurdo, private, Greenville.
Mortimer W. Mason, private, Benoit.
Chas. H. Meyer, private, Chicago, Ill.
Frank C. Miller, private, Chicago, Ill.
Charles L. Mitchell, private, Lake Charles, La.
Julius L. Moyse, private, Greenville.
David R. Munger, private, Houston, Texas.
Eugene D. Munger, private, Houston, Texas.
Harry J. Musser, private, Greenville.[5]
Thomas McGinnis, private, Chicago, Ill.
Charles W. McHale, private, Chicago, Ill.
Patrick J. O'Connor, private, Sheboygan, Wis.
Albert H. Osborn, private, Indianapolis, Ind.
Ellis Parker, private, Greenville.
Phillip B. Pierce, private, L'Argent, La.

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[5] Discharged Oct. 31, 1898, on account of health.

Eugene E. Pilgrim, private, Hollandale.
John Pilgrim, private, Ludlow, Ill.
Eugene T. Richards, private, Greenville.
Charles Reiter, private, Marietta, Ohio.
Isaac H. Rogers, private, Memphis, Tenn.
Eugene H. Sossman, private, Holly Springs.
Fred A. Sheehan, private, Chicago, Ill.
John S. Shorten, private, Greenville.
August Schlief, private, Chicago, Ill.
Edward W. Shrader, private, Greenville.
George K. Smith, Jr., private, Greenville.
Albert W. Smith, private, Greenville.
A. C. Smith, private, Jonesboro, Ark.
Emmet C. Smythe, private, Greenville.[6]
William Starling, Jr., private, Greenville.
Phillip Stokes, private, Greenville.
Emory Stephens, private, Holly Springs.
Percy P. Sutherland, Rosedale.
William G. Sutter, private, Silver Creek, N. Y.[7]
John Tegen, private, Chicago, Ill.
Julius Tott, private, Chicago, Ill.
Edward D. Travis, private, Avon.
Byrd C. Trigg, private, Greenville.[8]
Arthur O. Trousdale, private, Greenville.[9]
Thomas D. Vaughan, private, Greenville.
Herman Voss, private, Chicago, Ill.
Charles W. Wade, private, Bolivar.
William S. Warner, private, Moorhead.
Stonewall J. Webster, private, Madison, N. C.
James B. White, private, Greenville.
Joseph B. White, private, Greenville.[10]

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[6] Appointed hospital steward August 1, 1898.

[7] Committed suicide on September 30, 1898.

[8] Discharged October 31, 1898, for position of stenographer at regimental headquarters.

[9] Transferred to hospital July 21, 1898.

[10] Discharged for governmental appointment, November 17, 1898.

Oscar J. Wilix, private, Chicago, Ill.
Herbert A. Wood, private, Sidney, Neb.
Spencer B. Yerger, private, Greenville.

Company C enjoyed exceptionally good health and were truly blessed, for during their time of enlistment it had the good fortune not to lose a single man by death, something that cannot be said of many companies in the entire volunteer army. The boys were patient; of course, amusing themselves first in one way and then another. One of the principal amusements was the "kangaroo court" which convened every evening at the mess hall. The judge was given a chair upon one of the long tables and the court would open. It was found necessary to have regular officers to carry on this court as it developed, and they had a sheriff elected to keep the peace, and lawyers were employed to try some important cases that came up. When a complaint was made against a man that could not be taken to the military officers, the "Kangaroo court" took care of the case and everything but justice was meted out.

The boys were restive under the restraint of camp life and anxious to go forward into active service, but on July 3, 1898, when Cervera's fleet was destroyed by the United States squadron, the war was presumably ended, and then our men were anxious to be mustered out so they could return home to their duties, as they felt they had responded to their country's call to arms to defend and fight for her, but not to do police or garrison duty in foreign lands when hostilities had ceased.

On September 1, 1898, the following message was received and brought joy to the hearts of the men as it meant a return to home and loved ones:

"Washington, D. C., Sept. 1, 1898.—War department issued orders to transport troops for the purpose of being mustered out at their destination, among others, second Mississippi regiment of Jacksonville, to Lauderdale Springs, then give them 30 days furlough and return then at expiration of that time and be mustered out of service."

After this notice was received the company was given orders to prepare to be mustered out, and a few days later the company started on its way to Lauderdale Springs, when it was learned that yellow fever was in the state of Mississippi, and the troops were given the privilege of proceeding without stop at Lauderdale Springs, for thirty-six hours, this was done in order that they might not be quarantined from their respective homes.

On September 14 the news spread rapidly through Greenville that Company C would return on the Southern Railway. The citizens hastily started preparation for a reception and everything was splendidly arranged. Sommers' band headed a crowd composed of Greenville's population who met the train with "three cheers for our soldier boys" and the joyful citizens shook the hands of each member of Company C.

Before dismissing the company, Captain Ireys said, "Mothers, I return your sons to you," after which the boys were allowed to break rank.

It was truly said by the Greenville *Times,* "The day of departure of the soldiers, May 28, was one of the saddest days Greenville ever experienced—the day of their return, Sept. 14th, the happiest."

On account of yellow fever restrictions, the secretary of war extended the furlough of the second Mississippi regiment from October 19th to November 13th, and again extended same on like authority to November 28th. Previous to their departure to Columbia, Tennessee, to be mustered out, Company C presented Captain Henry T. Ireys, Jr., with a handsome sword, and First Sergeant William D. Robertshaw with a handsome umbrella and walking stick, as marks of the high esteem in which they held these officers.

On November 27th Company C was instructed to leave on special train No. 4 at 2 p. m., which train would pick up additional coaches along the line:

CIRCULAR NO. 4.

Captain Henry T. Ireys, Jr., of Company C is authorized to assume the command of the train.

Headquarters, Camp Hamilton, Columbia, Tenn., Nov. 23, 1898.

"The boys all had a good time while at Columbia, Tenn., with not much to do and without exception the entire company was given honorable discharge, Dec. 1, 1898."

In conclusion, there is little to be said, as nothing particularly historic was performed by Company C for the reason that the sudden cessation of hostilities afforded no opportunity of performance. The spirit to do was there, however, and we must take the will for the deed.

Since the time of which I write, many listed in the company's roster, impelled by business necessities and other circumstances, are no longer with us, and quite a number in the flower of their youth have answered that last sad roll call from on high, notably among them, our noble captain, Henry T. Ireys, Jr., than whom no officer in the Seventh Army Corps was more highly esteemed, for gentlemanly conduct and military proficiency.

COLONEL GEORGE STROTHER GAINES AND OTHER PIONEERS IN MISSISSIPPI TERRITORY.

By George J. Leftwich.

I.

This article is devoted mainly to the career of George Strother Gaines, a notable pioneer in Mississippi Territory, whose bones rest in her soil, though the sketch could hardly be complete without bringing into view a distinguished officer in the regular army of the United States, his brother, General Edmund Pendleton Gaines, and other pioneers. More is to be said of George Strother Gaines, the younger brother, the less known, though really a greater man than the distinguished General. The Gaines family is closely connected with the Strothers, of Virginia, founded by William Strother of notable aristocratic and distinguished lineage and descended from English nobility.[1] Henry Gaines, the father, between 1765 and 1775, married Isabella Pendleton in Culpepper County, Virginia; Isabella Pendleton was the sister of Judge Edmund Pendleton, one of the notable compatriots of Washington and Jefferson, and belonging to that group of Virginia statesmen who were in the ascendant in the nation just preceding and following the Revolutionary War, and who are characterized by Senator Henry Cabot Lodge of Massachusetts in his recent eulogy on Senator John W. Daniel of Virginia, as the ablest body of men since the days of the Greek Republic, as it existed long prior to the Christian era. Edmund Pendleton, after the termination of the Revolution, was long President of the Virginia Court of Appeals, the supreme judicial tribunal of that State. The Gaines family were closely connected with the mother of General Zachary Taylor, and many of Virginia's most distinguished men and statesmen.[2]

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[1] See Vol. 2, Southern Historical Association, page 149, on William Strother and his descendants by Dr. James M. Owen, Director of Department of Archives and History, Montgomery, Alabama.

Henry Gaines and Isabella Pendleton had born to them twelve children, three sons, Edmund Pendleton Gaines, George Strother Gaines, James Gaines, and nine daughters. Edmund Pendleton Gaines was born in Culpepper County, Virginia, but his distinguished brother George Strother was born in Slater County, North Carolina, and the family later moved to Gallatin, Tennessee. It seems, on good authority, that the Gaines family originally came from Wales, and of the three branches of it, one settled in New England, one in Virginia, and one in South Carolina.[3]

II.

Both brothers mostly grew up at or near Gallatin, Sumner County, Tennessee; and in 1804, A. D., before George Strother was twenty years of age, he was appointed Assistant Factor or Agent at St. Stevens, Alabama, a famous pioneer settlement on the Tombigbee River, and then near the dividing line between Mississippi Territory and Spanish West Florida. The Superintendent or Factor at this trading house was Joseph Chambers, who resigned in 1806, and George Strother Gaines was appointed in his place. No better testimonial to the capacity and reliability of Colonel Gaines could be adduced than this appointment at so early an age. The establishment of Indian trading houses at Ft. Stevens, Natchez and other places by the United States Government was to circumvent the wily machinations of the English and Spanish in their dealing with the Indians. Washington is supposed to have suggested this method of keeping on friendly terms with the savages. Trading houses were primarily set up by speculators who over-reached the Indians, sold them bad whiskey, and looked after every interest but that of the Indian himself, the settler and the United States. So the Government undertook the task of establishing trading houses and selling them goods that the Indians really needed at just sufficient profit to prevent loss. One of the most important qualifications of the Factor or Superintendent of the trading house was skill and diplomacy; he should be honest of course, but he must keep peace with the Indians and give welcome to the American settler. Near St. Stevens was Ft. Stoddard, where United States troops were stationed, then on the Spanish boundary; in charge of this garrison was Captain Edmund Pendleton Gaines, the brother of the Factor, who had married for his second wife the daughter of Judge Harry Toulmin of Kentucky, the first Federal Judge, and long prominent in Mississippi Territory; his first wife was a daughter of Governor Blount of Tennessee; and still a third wife was the famous Myra Clarke Gaines of New Orleans, where the General died about 1849. It was at this time while Captain Gaines as commandant at Ft. Stoddard, and George Strother was Assistant Factor, that Aaron Burr escaped from Washington, the territorial capital of Mississippi, and was captured by Captain Gaines near Ft. Stoddard where he was detained for several weeks, entertaining the ladies with cards, mesmerizing the men with his splendid manners and interesting conversation, and in the interval nursed George Strother Gaines while afflicted with fever at St. Stevens; it was from here that Colonel Burr was sent by Captain Gaines to Richmond to be tried by Judge John Marshall for treasonable practices, and acquitted, though unquestionably guilty of treasonable designs as later was more clearly developed. George Strother Gaines in his published letters and Reminiscences, makes much interesting comment on this region of the Tombigbee then inhabited by the Creek and Choctaw Indians and a few white cattle raisers along the river.

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[2] Conversation of Col. Gaines with Mr. A. C. Coles, State Line, Mississippi, at one time his business associate and amanuensis.

[3] Information given Mr. A. C. Coles of State Line, Miss., by Col. Geo. S. Gaines.

III.

The goods, arms, blankets and trinkets sold to the Indians mainly for pelts, at Ft. Stevens, had of course to be imported from the East. During the superintendency of Gaines' predecessor and in the early part of his administration, these goods were brought by water through the port of Mobile, and the Spanish Government imposed heavy import duties; for instance, a barrel of flour brought from Kentucky by raft to the Natchez factory could be sold there at about four dollars per barrel, and when brought around through the port of Mobile, after Spanish imposts were collected, it cost the consumer about sixteen dollars at Fort Stevens. The Spanish were not too friendly, and English emissaries and traders were numerous among the Indians and plotting constantly prior to the War of 1812 against American supremacy in the Mississippi valley. Thus it was that George Strother Gaines, in consultation with the Secretary of War in 1810, established the northern route for the transportation of goods to St. Stevens. Let Colonel Gaines tell his own story in his own language of this exploit:—

"In October, 1810, I received instructions from the Secretary of War to proceed to the Chickasaw Nation and endeavor to obtain permission of the Indians to open a wagon road from Colbert's Ferry (on the Tennessee), to Cotton Gin Port on the Tombigbee, and make arrangements to transmit the goods thence to St. Stevens. I set out immediately in obedience to my instructions; had an interview with the leading chiefs of the Chickasaws, who objected to opening a wagon road but promised me facilities and safety for the transportation of the goods for the Choctaw trading house on pack horses at a very moderate expense. Lieut Gaines (Edmund Pendleton Gaines) by order of the War Department, had six or seven years before this time, surveyed and marked out the road I was instructed to open. I continued my journey to Smithland (Kentucky), at the mouth of the Cumberland, where I found supplies in charge of Wood Brothers, with the exception of lead which I was instructed to purchase. Hearing that a boatload of lead had been sunk in the Ohio below Ft. Massac, I proceeded to the place and aided by the commanding officer at Massac, I procured the quantity required, brought it up in public barge to Smithland, engaged a careful bargeman and crew with a good barge to transport the goods found there, and with the lead I had purchased, to Colbert's Ferry on the Tennessee. I then returned on horseback to Colbert's Ferry, made arrangements for moving and "packing" the goods to Major Pitchlyn's at the mouth of the Oktibbeha below Cotton Gin Port.[4] I proceeded to Major Pitchlyn's and with his aid arranged for transporting the goods down the Tombigbee to St. Stevens. It is a little remarkable that all my orders were carried out with precision and promptness and the goods received at St. Stevens in good order and without the loss of an article."[5]

Thus was established the famous Gaines Trace or Road from Colbert's Ferry to Cotton Gin Port. From Cotton Gin Port the road led south near the edge of the prairie, not far from the present site of Aberdeen,[6] and terminated at the home of the famous interpreter Major John Pitchlyn, at the mouth of the Oktibbeha, then Old Plymouth and now Waverley. Colonel Gaines refers to the unfriendly attitude of the Indians at the time, and relates that his barges had to be planked up to ward off the bullets of the unfriendly natives during progress of the goods down the river to St. Stevens. Great credit is given by Colonel Gaines in this enterprise to Major John Pitchlyn, an Englishman born in the West Indies, already referred to, and who figured in almost every treaty with the Indians in Mississippi Territory, as official Interpreter, who had married two daughters of the famous Indian Folsam family, and who always remained friendly with the whites as well as the Indians, and whose services demand a separate article instead of a mere reference.[7] The goods thus transported by packhorses from Colbert's Ferry at the lower end of the Mussel Shoals, were brought by barge from Pittsburg and other eastern markets down the Ohio to Smithland, Kentucky, near the mouths of the Cumberland and the Tennessee and thence up the Tennessee at a great saving in cost and without payment of impost duties to the Spanish at Mobile.

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[4] For a more extended notice of Cotton Gin Port, Gaines Trace, see article on that subject by the present writer in Vol. 7, Publications Miss. Historical Society, pp. 262 to 271.

[5] Original manuscript of Col. George Strother Gaines in the Alabama Department of Archives and History at Montgomery; consulted by the writer through the courtesy of Dr. J. M. Owen, the distinguished director. One volume of these manuscripts was published in the Mobile *Register* in 1872.

[6] Photograph of the original government survey of this territory shows that Gaines Road ran south from Cotton Gin Port through Monroe county nearer the Tombigbee than was formerly believed.

[7] See the extended and interesting reference to Major Pitchlyn in Volume 7, publications of the Mississippi Historical Society, page 363; Pioneer Settler of Lowndes County, by Dr. William A. Love.

IV.

Among those trading at St. Stevens were the fierce Creeks and and much less war-like Choctaws, and for that matter, Indians and pioneers all the way from the Mussel Shoals to St. Stevens, from up and down the Tombigbee, with all of whom Colonel Gaines had wide acquaintance and much influence. About 1811, Colonel Gaines began to note the unfriendliness of the Creeks who began to buy large amounts of goods on credit and refused to pay for them, with other marks of disfavor. The Indians had no ready money and the goods were often advanced to them and paid for in pelts after the hunting season was over. This unrest and unfriendliness among the Creeks was stirred up by the great Chief Tecumseh who visited them about 1811, supposedly at the instigation of the British who were stirring up the strife that culminated in the War of 1812. The Choctaws and Chickasaws, greatly through the influence of Pitchlyn, Gaines, Chief Pushmataha, and other patriots, withstood the alluring oratory of Tecumseh,[8] but the Creeks went over to him. The Creeks' unfriendliness went from bad to worse until it culminated in the famous Ft. Mims massacre of August 30th, 1813, not far from St. Stevens, where over 500 men, women and children were killed by these cruel savages. Colonel Gaines at once heard by letter of the Ft. Mims massacre, but here let him tell his own story:

"It was late in the evening when I received the letter. I was in the citizens' fort at the time, and read the letter aloud for the information of those around me. I saw it created a panic, and remarked, if we could get Gen. Jackson down with his 'Brigade of Mountain Volunteers,' the Creek Indians could soon be quieted.

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[8] **See Tecumseh's wonderful speech to the Creeks as heard and reported word for word by Sam Dale in the life of that notable scout and pioneer written by Claiborne. Says Dale at p. 56: "I have heard many great orators, but I never saw one with the vocal powers of Tecumseh, or the same command of the muscles of his face."**

"A young man named Edmondson, who was a guest in my family, was standing near, and looking at him, I remarked: 'If I could induce a cheerful man to go as express to Nashville, Tenn., I have a fine horse ready and can manage by writing to persons I know on the path to have a fresh horse ready for him every day.' He said that he was willing to go. Mrs. Gaines said that she would prepare provisions for him. I immediately sat down and wrote letters to General Jackson and Governor Blount, communicating the massacre of Fort Mims and the defenseless condition of our frontier, appealing to Gen. Jackson to march down with his brigade of mounted men and save the Tombigbee settlement and property in my charge. I was personally acquainted with the General, also Governor Blount. I wrote a letter to Charles Juzon and William Starnes at Oknoxubee; John Pitchlyn, mouth of Oktibbeha; George James, residing at or near the present Egypt (M. & O. R. R., Egypt is now a flourishing village on the line of Monroe and Chickasaw counties); Jim Brown, Natchez Road; George Colbert, chief of the Chickasaws, Colbert's Ferry, and others beyond the Tennessee River, requesting them on the arrival of Mr. Edmondson, to furnish him with their best horse and take care of the horse he would leave until his return from Nashville, then bring or send me their bills for payment. (Each of the persons named was in the habit of visiting the trading house for supplies of salt, coffee, sugar, etc.) This task occupied me nealy all night. In the morning Mr. Edmondson, with provisions, a well filled purse, etc., etc., set out for Nashville."[9]

Pushmataha, the famous Choctaw Chief and orator, learned of Juzon, where Edmondson got a fresh horse, about the massacre at Fort Mims, and offered his services with those of his warriors. Gaines carried the Chief and introduced him to General Flournoy in command at Mobile, which city had then been captured from the Spanish by General Wilkinson; General Flournoy foolishly rejected the offers of Chief Pushmataha at first; but afterwards changed his mind and sent a messenger and overtook the Chief at St. Stevens, and accepted his services. Colonel Gaines went with the Chief to meet the natives and warriors, and aided him in bringing out as many as he could. Edmondson reached Governor Blount and General Jackson in a wonderfully short time, and fell before them prostrated from exhaustion. Jackson immediately ordered his mounted brigade to assemble and sent Colonel McKee ahead to get as many Chickasaws and Choctaw warriors as possible to meet him and Colonel Gaines, at Major Pitchlyn's.[10]

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[9] This quotation is likewise from the Gaines Manuscripts already referred to.

Colonel Gaines returned to Chief Pushmataha's council grounds somewhere near the present site of Meridian, and found several thousand Indians there collected; the Chief and his wife rode up; he unsaddled and hobbled his horse and threw himself on a bear skin on the ground; the question at once arose as to who should make the first advances; Colonel Gaines said that he should not as he was a visitor, and finally Chief Pushmataha's Secretary of State announced that the Chief would speak; the crowd then gathered. Chief Pushmataha recounted his visit to General Washington, while the capitol was at Philadelphia, and the distinguished treatment he received; he denounced the British for poisoning the minds of the northern Indians "against our Virginia friends" (all the whites in the southern country were called Virginians); "Northern tribes," said the Chief, "have come among us, and have succeeded in persuading the Creeks to join the strangers in war upon our friends." Washington, he said, had advised him against war among the tribes; "but who that is a man and a warrior can remain quietly at home and hear of his friends being butchered around him," said the Chief. "I am a man and a warrior," drawing his sword, "and I will not advise you to act contrary to the advice of our good friend and father, General Washington, but I will go and help my friends.

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[10] The authority of Gen. Jackson and Gov. Blount to send troops out of the State is explained by the historian, Professor H. S. Halbert, in a private letter to the author, quotation from which is as follows: "As to Tennessee sending troops into United States territory to quell Indians, this power has always been exercised by States, when needful. Within my personal knowledge and in my own experience, Texas sent troops into the western part of the Indian Territory, into the Territory of Colorado, and even into the territory of New Mexico, to fight Comanches and Kioways. So it seems the power exercised by Gov. Blount and Gen. Jackson in its relation to the United States Government was perfectly legitimate."

If any of you think proper to follow me, voluntarily, I will lead you to victory and glory."[11]

Almost every man and boy sprang to his feet, recounts Colonel Gaines, shouting, "I, too, am a man and a warrior, and will follow the Chief." Chief Pushmataha then remarked, "I see our beloved Factor from St. Stevens present, he never deceived you in anything, he will speak to you." The Chief walked to a log and shook hands and invited Colonel Gaines to speak. On the return from this interview with the Choctaws, the joyful news from Tennessee had come. It is quite probable, says a reviewer, that no other man at that time could have controlled the facilities which enabled Edmondson to perform the journey to Nashville in so short a time. He found General Jackson and Governor Blount together in the State House; General Jackson's arm was in a sling but he agreed to go at once.[12] The result was, as all know, the complete overthrow of the Creeks, and peace and happiness for the settlers on the lower Tombigbee.

It might be remarked that General Jackson carried his army from Nashville by Huntsville, the shorter route; he returned to Nashville in 1814, leaving his army under General Coffee, near Mobile, and later that year was summoned to return. His army was then marched to New Orleans, and the great victory over the British, on January 8th, 1815, was the result.[13]

V.

Soon after the close of the Creek War and the War of 1812 with the British, Colonel Gaines made a visit to his aged parents at Gallatin, Tennessee; the route followed was that traveled by Edmondson, and Gaines recites that the wilderness commenced one day's travel from St. Stevens and extended three hundred miles, to beyond the Tennessee River; he traversed nothing but a trading path, he says, yet his journey was rendered delightful by fine May weather and by the kind attentions of the Indians along the way who were all his warm friends. On his journey he fell in with General Jackson and his wife, traveling the Natchez Trace on the way from the battle with the British at New Orleans, he accompanied them to Nashville, and there was the guest of the General, who was his close friend. Soon after his return the Choctaw agency was moved from St. Stevens to Fort Tombecbee or Jones' Bluff, higher up the Bigbee River, and near where the Alabama–Great Southern Railway now crosses that river. Here was concluded the Choctaw Treaty of October 24th, 1816, when the United States Government purchased of the Choctaws all of their territory East of the Tombigbee River, and as far West as Gaines' Trace. Even before the survey of this rich territory, immigrants from Virginia, many coming from the half-way house at Huntsville, from Tennessee, from the Carolinas, and from Georgia, pressed in and occupied the rich fertile lands acquired by this Treaty.

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[11] Gideon Lincecum in his life of Pushmataha, thinks him one of the greatest natural orators of the world. Vol. 14, Publications Miss. Historical Society.

[12] The hero of this ride, much more worthy of note than Paul Revere, was Samuel A. Edmondson, later a citizen of Lowndes County, Mississippi. See article of Dr. Love, supra.

[13] Another famous ride is that of Sam Dale, from New Orleans to Georgia, to tell the story; see Claiborne's Life of General Sam Dale, p. 148 et seq.

VI.

Colonel Gaines soon after this married a daughter of Young Gaines, Esquire, a wealthy planter and relative belonging to the South Carolina branch of the family; he resigned his place as Factor, and about 1821, removed to Demopolis, Alabama, and built and owned the first store there. Up to this time he had received the pay and allowance of a Colonel in the regular army. His great prominence in the territory and wide acquaintance caused him to keep open house; he entertained almost every distinguished traveller and official who passed through the territory afterwards, and his salary was not sufficient to maintain himself and family. He later acquired great wealth both by his merchandise business and by his marriage, and Colonel Gaines told Mr. A. C. Coles of State Line, Mississippi, who knew him intimately, that when he retired from business in 1833, his in-come was about Fifty Thousand Dollars a year; but he was a liberal endorser of his friends' paper, and after the panic of 1837, he was compelled to pay about Five Hundred Thousand Dollars of other people's debts, which, of course, greatly reduced his wealth.[14] By reason of his popularity with the Indians, he was selected in 1829, to accompany twelve Indian chiefs, with an escort of cavalry, to select a home for them in the west; this was before the signing of the treaty at Dancing Rabbit, in which the Indians ceded their lands in Mississippi and Alabama to the United States Government. Colonel Gaines, as a sort of public necessity, accepted the appointment, and crossed the Mississippi River about the mouth of the Arkansas. On the journey they passed the home of the distinguished Chief Greenwood Leflore but he refused to go with them. They crossed the State of Arkansas, explored the present State of Oklahoma, formerly Indian Territory, and there it was that the Indians chose their home. They found plenty of game, plenty of water, much rich land, and "This is the place for us," said the Chiefs. After the Dancing Rabbit Treaty of September 27th, 1830, much dissatisfaction arose among the Indians; they began to drink and pout and complain that the women and children would be broken down on the way; they greatly regretted leaving their old homes and old hunting grounds; the situation became a very delicate one, and at the request of the Secretary of War and at the suggestion of Major Pitchlyn, Colonel Gaines, the good friend of the Indians and in whom they had unbounded confidence and trust, was asked to superintend their removal to their new home. As a patriotic duty he again consented to go, and the Indians under his immediate escort assembled at Vicksburg, others crossed the Mississippi at Memphis, and he went with them to their new abode in the far west where he parted with them with much sorrow, and returned in safety, thereby performing a great public service both to the Indians and to the white men. It will not be considered improper to insert here, we trust, the following melancholy, though eloquent description of the Indians' removal to the West, taken from a celebrated centennial address of the Rev. Dr. Patton, a distinguished minister long familiar with Indian life and customs, delivered at the Court-House in Tupelo, Mississippi, July 4th, 1876, as recently republished by the Tupelo *Journal:*

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[14] Letter to the writer from Mr. A. C. Coles, of State Line, Mississippi, the business associate and amanuensis of Colonel Gaines.

"But the melancholy day of the Indian exodus came. Places of rendezvous were appointed in different localities where the people congregated. Some chief took charge of each group, and one solitary band after another moved off towards the setting sun. The mother called her children from their loved sports and play grounds beneath the forest trees and informed them they would be permitted to return to those dear scenes no more forever. She took a farewell look at her own sweet home, the trees, the garden and the graves she loved, and turned with her sad faced children to look upon these scenes no more. The hunter turned away from his hunting grounds and his deer and every loved object sacred to memory and dear to his heart, and silently stalked as the genius of sorrow, in advance of his little family circle.

"When all are assembled at any designated place and the day of departure came, they bid farewell to the graves of their fathers, their hunting grounds and homes, the noble domain they had inherited from a noble ancestry. They moved off in silence. No tear moistened any eye. No emotion was depicted on any countenance. The Indian never weeps. It belongs to his nature to conceal his emotions, but none feel more or are subject to more intense passions and affections than he. His emotions are like the hidden fires that burn with intense heat in the deep caverns of the volcano, but their existence is unknown until the fiery torrent ascends the sky and the devouring floods of lava roll over vineyards, gardens and villages. In all that moving host where stalwart forms sat silent and erect, with stern faces and tearless eyes, there was not a true Chickasaw that would not have considered it a privilege to suffer death in any form, or endure torture in any degree, if by such suffering or sacrifice he could have rescued the land of his birth and his love from the grasp of the white man, and made it a sure possession to his tribe. But he knew resistance was folly. He bowed to the fiat of Destiny, and turned from the land dearer to his heart than life, and sought a new home in a country he had never seen and could not love. They are here no more. The grand old forest as they left it, with its vernal robes of green and autumnal vesture of crimson and gold, will charm and fascinate no more. The magnificent carpet of flowers and verdure that once covered the face of the earth as a fitting floor, to the leaf covered dome with many pillars that tower above, will be seen no more. The deer, the elk, and all the flocks that nature fed for the benefit of her children of the forest, have fled along with the Indian."

VII.

About 1853, Colonel Gaines removed his family to State Line, Wayne County, Mississippi, near the boundary between Mississippi and Alabama; he had large land holdings at St. Stevens and a cattle range in Perry County, and at State Line he was accessible by a day's ride to both. About 1856, he established the Peachwood nurseries at State Line, which are now owned by Mr. A. C. Coles. Here he became greatly interested in the building of the Mobile & Ohio Railroad connecting Mobile with the Ohio River at Columbus, Kentucky. It is sufficient to say that the railroad would not have been constructed at the time, certainly not until a much later date, but for the aid of Governor McRae who made the speeches, and Colonel Gaines who took subscriptions to the stock and secured the right of way to Columbus, Kentucky; he spent two whole sessions of the legislature at the State Capitol of Mississippi, in order to secure the charter and the rights desired.

His wide influence and great reputation for honesty and integrity were a powerful incentive to the initiation of this or any other enterprise, and his influence was felt in every event of any importance for many years.[15] He was widely known among the leading men of the day, an intimate friend of General Jackson and Henry Clay. Years after he returned from the removal of the Indians to the Indian Territory, he visited Washington in order to persuade the Government to pay him for his services and expenses incurred in removing the Indians to the West, and he recites many interesting occurrences of this trip. To make the journey he travelled to New Orleans by land, took steam-boat to Guyandotte, West Virginia, thence by stage to White Sulphur Springs, West Virginia, and on to Washington. The course of his journey well illustrates the routes of travel in early times from this State east. Colonel Gaines was also largely influential in building the road now owned by the Southern Railway Company, from Meridian to Selma; in fact, he was a large factor in every public enterprise of his day. He reared a large family of six sons and two daughters; several of his sons acquired distinction as soldiers, and one daughter married Captain E. A. Bullock of the regular army, a daughter of whom is now Mrs. M. E. Punch, of Laurel, Mississippi. Fine paintings of himself and wife now hang in the Capitol of Alabama, at Montgomery, presented to the State by Dr. Vivian P. Gaines, a grandson, now a resident of Mobile, who also deposited with Dr. J. M. Owen, the State Archivist of Alabama, two volumes of manuscript in the hand-writing of Colonel Gaines, many times herein quoted, giving his reminiscences of pioneer days, all of which have been consulted by the courtesy of Dr. Owen before the preparation of this article; one series of these letters was published in the Mobile *Register* in 1872, the other series has not yet been published, and both series are of great historical value.

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[15] It is reported that the Great Northern Railroad has erected a statue of Mr. James J. Hill at the summit of the Rockies. The Mobile & Ohio should also erect a statue to George Strother Gaines in the middle of the prairies.

The wife of Colonel Gaines died at Peachwood in 1868, and he died at the same place in the winter of 1872, aged eighty-nine years. Colonel Gaines was tall in stature, commanding in appearance, very dignified, but a most courteous and elegant gentleman; a most generous entertainer and of unbounded hospitality, a fine judge of good dinners, an authority on fine wines, but a most temperate man in his own habits. It is said by Mr. A. C. Coles that he set the best table in Alabama for many years. A better encomium could perhaps hardly be passed upon him than the common saying current among the Indians in his day, which was that Colonel Gaines knew a good blanket and would not tell a lie. Colonel Gaines was a great pathfinder and pioneer, but of a different type from Daniel Boone and Davy Crockett, the rude frontiersmen. He was of distinguished and aristocratic birth, accustomed to ease and wealth. He was an accomplished statesman fit to fill almost any delicate or diplomatic post in the gift of the Government; a brave patriot, at home with the savage in his hut or at a state dinner.

In the Panama-Pacific International Exposition there is a superb piece of equestrian sculpture entitled, "The American Pioneer," by Solon Hamilton Borglum, sculptor; the following description of the statue is an appropriate closing for this sketch:

> "Erect, dignified, reflecting on the things that have been, the American Pioneer appears before us, reminding us that to him should be given the glory for the great achievements that have been made on the American Continent. He it was who blazed the trail that others might follow. He endured the hardships, carved the way across the continent, and made it possible for us of today to advance thru his lead. All hail to the white-headed, noble old pioneer who, with gun and axe, pushed his way thru the wilderness; whose gaze was always upward and onward, and whose courage was unfaltering."

Colonel Gaines served in the Alabama State Senate from Marengo and Clarke Counties. He was a pioneer banker at Mobile and long a familiar figure there.[16] The town of Gainesville, Alabama, was named for him. In many treaties between the United States Government and the Choctaw and Chickasaw Indians he was a most influential participant; the Indians had unbounded confidence in his integrity, as did the officials of the United States Government and the pioneer settlers. He was an accomplished patriot and statesman. After a long and successful business and official career, following the custom of his Virginian ancestors, he retired to his estates at Peachwood and passed a serene old age in modest and dignified simplicity.

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[16] See many interesting references to Colonel Gaines in that valuable historical contribution to the history of the South-West, "Colonial Mobile," published by Houghton, Mifflin & Co., by Judge Peter J. Hamilton, now Federal Judge of the District of Porto Rico.

JAMES LOCKHART AUTRY.

BY JAMES M. GREER.

In the small village of Hayesborough in the outskirts of Nashville, and now a territorial part of that beautiful and historic city, on January 8th, 1830, there was born to Micajah and Martha Wyche Autry "a man child" subsequently christened in the Episcopal Church, James Lockhart Autry. In Nashville, Tenn., which was in hearing distance of the Hermitage, the home of Andrew Jackson, the seventh President of the United States, the cannon were booming, and the people rejoicing over the fifteenth anniversary of the battle of New Orleans, since called "Jackson's day."

After Col. Autry's death at Murfreesborough, or, Stone River, as one chooses to call the battle of the 31st of December, 1862, his mother said: "My poor boy! The first sound that ever came to him was the booming of cannon, and it was the last sound he ever heard." "Peace let him rest! God knoweth best!"

The object of this sketch is not to elaborate to weariness, or to eulogize to fulsomeness the story of a son of Mississippi, who once, in the long ago, won honor for himself and "Served The State." When but a baby, he was brought with the family to Jackson, Tennessee. A vivid story of that trip through the wilderness is told by Mrs. Mary Autry Greer in the sketch of their father who fell at the Alamo in 1836 for the freedom of Texas.

"Mother, sister, aunt, my baby brother, his nurse and myself travelled in the family coach, a handsome affair drawn by two large bays. Father rode a fine grey horse, and was an agile, graceful equestrian. The slaves were in two immense wagons, with hoops covered with cloth, not unlike in appearance to the large Prairie Schooner of a later day, and drawn by horses and mules. Although so young, I remember several incidents of the route. The negroes in the wagons always camped out and cooked their own meals. * * * In a few days more we reached our destination, the flourishing little town of Jackson."

Very shortly after her husband's death, his widow moved with her two children to Holly Springs, Mississippi. It was in "this city of flowers" as it was called, that Autry grew to manhood and had his home at the time of his death. He attended school at Saint Thomas Hall, a school presided over by the famous teacher, Mr. Whitehorn. Among his schoolmates were, E. C. Walthall, J. R. Chalmers, C. H. Mott and many others who afterwards won great distinction. Very few of that generation became what we now call college men. Young Autry did not have a father's hand to guide him, but in his mother he had a woman of strong character, great tenderness and wise judgment. Possessed of small means, his was yet a happy childhood. Coming to maturity, young Autry entered upon the practice of law in his home town along with a bar which was among the strongest in the whole south. L. Q. C. Lamar, who afterwards entered the United States Senate and became a Justice of the Supreme Court of the United States, was one of these practitioners, and Autry was his partner, the firm name being Lamar, Mott and Autry. J. W. C. Watson, who later became a Confederate State Senator, J. R. Chalmers, who afterwards became a Brigadier General in the Confederate army, E. C. Walthall, who attained the rank of Major General in the Confederate Army, and after the Civil war was a Senator of the United States, were all lawyers of Holly Springs. To these may be added, A. M. Clayton, who went on the Supreme bench of Mississippi, Henry Craft, the gentlest man and the most scholarly lawyer the writer ever knew, J. W. Clapp, one of the most earnest, energetic and logical of men, General Alexander Bradford, who ranked among the bravest of the brave, Colonel H. W. Walter, a very prince of chivalry, General W. S. Featherstone, who, also subsequently commanded a division in the Confederate army; his partners, Thomas W. Harris and R. L. Watson, the gallant and generous William M. Strickland, the safe and sensible counsellor William Finley; Samuel Benton, J. M. Scruggs, and many others of great note. Young Autry, in winning distinction at such a bar, showed more than average merit. In 1853 he was elected to the legislature of Mississippi, re-elected several times. In 1858, he was chosen Speaker and, perhaps, was the youngest person who ever filled that place of distinction.

He was married in 1858 to Miss Jeanie Valiant, and in November, 1859, his only child, a son, was born at their home in Holly Springs, Mississippi. The boy was given his father's full name, and is now a lawyer residing in Houston, Texas. At the outbreak of the Civil war, Autry was a lieutenant in the Home guards, a volunteer company made up of the leading young men of Holly Springs. In March, 1861, the company reported for duty at Pensacola, Florida. There it was attached to the Ninth Mississippi regiment, which chose James R. Chalmers, as its colonel, and Autry as its lieutenant colonel. (At this time the volunteers selected their own officers.) After the year's service, for which they had enlisted, this regiment was reorganized. Autry was then detached and detailed for special service, being made military commandant, or governor of Vicksburg. New Orleans had fallen and the victorious Federals were steaming up the Mississippi river. Autry with a handful of men, at once, undertook the construction of defenses for what proved the doomed city of Vicksburg. Admiral Farragut, another Tennesseean, in command of the Federal fleet, on the 18th day of May, 1861, demanded from Autry the surrender of the city. Autry's reply with his handful of men (which the Federals thought a powerful force) was notable: "Mississippians don't know, and refuse to learn, how to surrender." Some months after this Autry returned to his regiment, the 27th Mississippi Infantry. At the battle of Murfreesborough, or Stone River, as it is variously called, he was killed while in command of his regiment. The following is taken from General Patton Anderson's report as printed in the Mississippi Official and Statistical Register of 1908 at page 654:

"The ordeal to which they were subjected was a severe one, but the task was undertaken with that spirit and courage which always deserves success and seldom fails achieving it. As often as their ranks were shattered and broken by grape and canister did they rally, reform and renew the attack under the leadership of their gallant officers. They were ordered to take the batteries at all hazards and they obeyed the order, not, however, without heavy losses of officers and men. Not far from where the batteries were playing, and while cheering and encouraging his men forward, Lieut.-Col. James L. Autry, commanding the 27th Mississippi, fell, pierced through the head by a minnie ball."

As a public speaker, Colonel Autry had the physical advantage of a fine presence, an excellent voice and a handsome face. He possessed a keen wit which he never permitted to become a cruel sneer, a wholesome humor, which he did not allow to degenerate into coarse stories, a logical and orderly presentation of his reasons, joined to a keen perception of the sentiment of a situation. Leading a cleanly moral life, having earnest, Christian convictions, and withal that indefinable magnetism making for brotherhood among men, it is small wonder that he won the title of Orator. While not a student in the sense of giving all his time to books, he knew thoroughly the Bible, Shakespeare and the standard works and was well versed in history, ancient and modern. Born a slaveholder, he never sold one or permitted a personal chastisement of those he owned. Gentle in nature and charitable in judgment, he became a soldier from a sense of duty and gave up his life in devoted patriotism.

Colonel Autry was about six feet in height; was of a fair complexion, blue eyes and rather stout build. He had dark hair—not black, and at the time of his death weighed about one hundred and seventy-five pounds.

He was a staunch member of the Episcopal church, as his people for generations before him had been. In this membership he had no intolerance or narrowness, for, as to him, the message of the Nazarene to all mankind was "Love ye one another." In politics he was a democrat without the partisanship which denied to others a difference of opinion, but, because of a belief that for the good of the whole country, the measures advocated by his party were best for its improvement.

When Colonel Autry's body was brought back from the field of Murfreesborough to Holly Springs for its final rest in the cemetery there, the Masonic fraternity, to which he belonged, conducted funeral services at his grave. Colonel H. W. Walter, his brother lawyer and brother Mason, said on that occasion:

> "As a Christian, let us admire and imitate him. At a period in the war when the chaplet of fame had been freshly gathered from the fields of Vicksburg, he visited his home, and before the altar and at the font of Christ church, he bent his head in baptism, and surrendering to the Prince of Peace, vowed to live and die a christian. And ever afterward, in the midst of friends—listening to the plaudits of the crowd on the sanguinary field—everywhere—he remembered and kept that holy vow, and the chaplet of the christian faith crowned that christian gentleman."
>
> "He has come back to us. What an awful return. A few moments since he was under his own roof, and a wail of agony went up from the hearthstone. The plaintive call of wife and mother fell on cold and listless ears.
>
> "He is before us here. The eye that sparkled with affection is closed,—the hand that grasped hand with friendship is paralyzed,—the manly form that moved with vigor once, is still and cold now, and the body is sinking slowly, sadly to its final rest. No, thank God; not to its final rest; for we believe it will rise again, as we believe that his spirit has passed to that heaven where law is love,—where legislation is Jehovah,—where battles are never fought, and where happiness is unmixed and eternal."

As a lawyer, he thought that the constitution of his country gave to his Sovereign state the right to secede from the United States, and, as a citizen, he felt it his duty to repel invasion by armed force. Hence he entered the volunteer army of the South, as his father before him had entered the cause of freedom and Texas. Like his father he gave his life to the cause! One does not know! We can have differences of opinion as to the right or wrong of any political cause; but this is sure: that he who with malice to no man lays down his life in an honest conviction, and for what he believes was for the good of all men, demands a bowing of the head and reverential bending of the body.

SOME MAIN TRAVELED ROADS, INCLUDING CROSS-SECTIONS OF NATCHEZ TRACE.

By George J. Leftwich.

I.

The north half of the American continent became permanently English, rather, permanently subservient to English influences, when Montcalm surrendered to Wolfe at Quebec, but France did not give over her ambition to have American colonies and renewed the conflict in the Southwest, at the mouth of the Mississippi and along the gulf coast where she had long had valuable possessions. The mouth of the Mississippi and the Mexican gulf coast, if successfully defended by her armies, promised France control of an enormous territory along the Father of Waters and in the Northwest which had been early explored by her bold pioneers. Her colonists, emissaries and soldiers cultivated the friendship of the Indian tribes in the Southwest, and made English colonization and English trade some times impossible, always difficult, in that whole region, but the English nation and those of English blood, the inhabitants of the original thirteen colonies, were not to be baffled in their determination to secure and settle the richest land on the continent by the closing of the main water routes of travel by a foreign nation and the consequent loss of the means of transportation to the Mississippi Territory and Southwest. So it was that our leaders of thought and statesmen determined to open up highways through the vast wilderness separating the Mississippi river from the Northeast. The result was the establishment of the Natchez Trace road and the building, by Jackson, of the military road by Columbus, later, the ultimate effect of which was to neutralize the Spanish and French influences in Mississippi Territory, and to give English blood and the common law dominion to the gulf, and the command of the Mississippi and her tributaries.

Spain, in 1763, had ceded West Florida to England, Napoleon sold Louisiana to Jefferson in 1803, after which the Father of Waters no longer touched foreign shores, but for many years thereafter discontented colonists from Spain and France and other adventurers in the Southwest, such as the attempt by Aaron Burr to found a new empire, caused uneasiness as to the safety of the American settlements and the permanency of the American rule in all that region. How nearly our civilization came being Latinized, with all that term implies, would be an interesting subject for investigation within itself; how far the stern common law was influenced by the gentle equities of the civil, how far the proud formalities of the Spanish inhabitants softened the blunt aggressions of the English, how far our social, economic and statutory laws grew out of the composite influences of the Anglo-Saxon and Latin civilizations, is only discernible now by the investigations of the deep student. Certainly the Spanish and French settlers, the English officers with their love for the crown, the American colonists with their love for freedom, the hardy frontiersman with his love for the wild life on the border of the great river, the New England Puritan, the Virginia cavalier,—each brought their own peculiar views of life and society to this new seat of empire, and the result of it all was a notable, if not a complex, civilization. The Pennsylvania immigrant floated leisurely down the Ohio and the Mississippi, many miles from his mountain home,[1] the New Englander took sail for Pensacola and Mobile and New Orleans, and thence traced his way through the forests; the Virginian, the Carolinian, the Georgian, mainly crossed the mountains to the Tennessee, and thence over the Mussel Shoals, into the Ohio and down the

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[1] Influence of the Mississippi River upon the Early Settlement of the Valley,—Haughton, Vol. 4, p. 481, Publications, Mississippi Historical Society.

Mississippi, though some marched single file by long and weary Indian trails through the fierce Indian tribes near the gulf, and many perished by the way. But thus our fathers came, and the dreary journeys over land and sea and through hostile Indian tribes made many a heart fail and turned back many a timid soul from the wild life in the Southwest.

Congress had its attention turned to the great Southwest by rumors of new empires and insurrections among these spirited sons of all nations, re-inforced by adventurers who had congregated in the region of which Natchez was plainly and easily the center. Roads to make the country accessible to a marching army and to give easy and safe passage to immigrants came to be a necessity. General Wilkinson, the wily Commander in Chief of the United States army, concluded a treaty with the Chickasaws on the 24th day of October, 1801, at Chickasaw Bluffs or Fort Adams, the present site of Memphis, and another with the Choctaws on the 17th day of December of that same year, whereby the consent of these Indian tribes was obtained for the opening of a wagon road through their respective lands,[2] and by an Act of Congress of April 21, 1806, the President was authorized to cause to be opened a road from Nashville in the state of Tennessee, to Natchez in the Mississippi Territory, a distance of about five hundred miles, provided he should not expend more than six thousand dollars in opening the same. An additional appropriation of three thousand dollars was made February 17, 1809, and of the total sum of nine thousand dollars, the sum of three thousand dollars was expended during the years 1807, 1808, and 1811, and the balance was carried to the surplus fund. The amount appropriated was disbursed by the Postmaster General, the road being intended principally for the transportation of the mail into and through the wilderness. Thus the Natchez trail was widened and improved and became a national roadway over which wagons could be drawn; it followed mainly the divide where it had been no doubt an Indian trail for many centuries before, over which the Natchez, Creek, Chickasaw, Choctaw, and other Indian tribes exchanged visits and led war parties, between Tennessee, Northern Alabama and the Southwest Mississippi Territory. All the Indian wanted was a foot-path, and as a rule he stubbornly resisted his foot-path being widened into a wagon road, and the concession was only made generally after long parleying and for a valuable consideration; and the right to establish houses of entertainment on the Natchez Trace and to control the ferries was reserved by the once thrifty red man. This Indian path no doubt afforded the white man access to the Natchez country long before the road was established as a public highway by the United States government, and over it many a foot-sore and weary traveler trudged his way decades before the treaty at Chickasaw Bluffs.

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[2] The above named Indian Treaties may be found in American State Papers, Indian Affairs, Vol. 1, p. 652 to 658.

II.

So important grew the rich Natchez country in the great Southwest that in 1816 Congress took in hand the construction of General Jackson's military road from Nashville, across the Tennessee, through northern Alabama, and on southwest by Columbus to New Orleans. The government had been greatly taxed with the danger of wars and conflicts with the French and Spanish of the Southwest, and plainly saw the need of a more direct and better road thereto, not only for the immigrant, but over which to transport the armies of the nation. The erection of this road was entrusted by the Secretary of War to General Andrew Jackson, then in the nation's eye as a soldier, both because of his great victory over the Creek nation and over General Packingham at the battle of New Orleans. This road entered Mississippi in Lowndes county, north of Columbus, and passed southeast of Pearl river which it crossed near the Louisiana line. South of Columbus, about 1824 or 1825, the Robinson Road was constructed from Columbus to Jackson. It cost the government what was then considered a very great sum of money, and over it came a vast number of the settlers of northeast and central Mississippi;

many of course passed south over the Natchez trail proper, a longer journey, and some over Gaines' Trace which led into the Natchez Trail soon after it crossed the Tombigbee at Cotton Gin Port,[3] before the completion of the Jackson Military Road, but the latter became the most complete and serviceable highway theretofore constructed in the Southwest.[4]

III.

Immigration over the Natchez Trail cannot be intelligently discussed and understood without taking into consideration the many forks of the road and the cross roads. About the time of the widening of the Natchez Trail into the national highway, General E. P. Gaines and his brother, George S. Gaines, blazed out the way for trade by pack-horses over what is known as Gaines' Trace, which led from the Mussel Shoals where the Natchez Trail crosses the Tennessee river, and then followed the back-bone of the country by a straight shoot to Cotton Gin Port in Monroe County, about eighty or ninety miles; at Cotton Gin Port this road crossed the Tombigbee river and thence southwest, uniting with the Natchez Trail near the present site of old Houlka, about the boundary line between Pontotoc and Chickasaw counties; another branch of the same Gaines' Trace road turned south through the prairies by Aberdeen to Waverley and St. Stevens on the Tombigbee.

On the attached map is plainly marked out also the Bolivar Indian trail, which ran from Memphis to Mobile, by way of the Chickasaw towns in Lee county, and down the Tombigbee river to St. Stevens and Mobile; from the Chickasaw towns near Tupelo, it passed northwest by Ripley, by Bolivar, Tennessee, on to the Chickasaw Bluffs.[5] The Bolivar trail was the route of travel followed by the Indians and pioneers, leading from the Tombigbee country by way of Bolivar to Fort Adams on the Mississippi, and afforded access for the Chickasaws and Choctaws to West Tennessee, which was known as the common hunting ground for the Indians who lived in Kentucky on the north, and the Chickasaws and Choctaws on the south.[6] Williams, in his "Old Times in West Tennessee," says that this road was pursued circuitously in order to avoid the crossing of the streams so numerous in the country farther south, which largely trend westward toward the Holly Springs country, which were harder to cross; Indians always avoid as much as possible water courses.

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[3] See "Cotton Gin Port and Gaines' Trace," Vol. VII, p. 263, Publications of Mississippi Historical Society.

[4] See Article on General Jackson's Military Road, by W. A. Love in Vol. XI, Mississippi Historical Publications, p. 403, illuminating this branch of the subject.

[5] The letters of Capt. Guion, Commandant of Fort Adams, about 1797–8, show intimate relations between the Fort and the Chickasaws. For these letters, see 7th Annual Report of Directors of Mississippi Historical Society, by Dr. Dunbar Rowland.

IV.

When the ancestry and origin of the inhabitants of northeast Mississippi generally, including the towns of Columbus, Aberdeen, West Point and Tupelo, is consulted, it will be discovered to what extent their civilization is due to the roads mentioned. Many of the people of the prairie region first settled in North Alabama and along the Tennessee river, but always having a keen scent for good lands, they came in great numbers to the prairie and Tombigbee country, after the Dancing Rabbit Treaty. It should be remembered that at this time, the lands of southern and eastern Virginia and eastern North Carolina had been largely worn out and exhausted by centuries of unscientific tillage. The owners had a super-abundance of negroes and were land poor, so that about this period, this class of immigrants came in great numbers and in large caravans. The head of the house, after much preparation and doubtless after loss of his lands by mortgage or sale of it at a sacrifice, assembled his belongings, put his family in carriages, his servants in wagons and on foot to drive the cattle and other domestic animals, attended usually by the family doctor and often by the private teacher of his children,—he would cross by slow stages from east Virginia and North and South Carolina, the Allegheny mountains, and thence into the great gulf water sheds and on to the banks of the Mississippi, there to establish a new home in the virgin forest; his easiest approach to the new country was through the low gaps of the Alleghenies such as the famous Cumberland Gap, thence either by raft on the Tennessee river, or over the well beaten roads of east Tennessee and north Alabama, and finally in to the Jackson road or the Natchez Trail by some of its branches, and on to his new home. He brought with him his work animals, cattle, horses, hogs, farm implements, his valuable household goods, in fact, everything necessary to set up a home in the wilderness; this was not so much immigration as it was civilization in transition, and these numerous accessions to Mississippi citizenship as a rule grew rapidly rich and prosperous.

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[6] Letter, C. A. Miller, Esq., Bolivar, Tenn., quoting authority.

The transmigration of the Southern planter with his caravan across the mountains was like that of Abraham of old, from Haran into Canaan; he came not only with his wealth, with all his household and children and servants and herds, but also with his political and social preconceptions and ideas already formed and crystallized, and all of this he transplanted into the wilderness. This was the dominating class of the early civilization of Mississippi Territory; that class of immigrants came at once into conflict with the ideas of the strict New Englander and with the thrifty commercial classes of New York, Ohio and Pennsylvania; sharp political controversies resulted, but still the heads of these caravans ruled the land. There were thousands from the hills of north Georgia, from the mountains of Virginia, from east and middle Tennessee, from northern Alabama, of the pure Anglo-Saxon working classes, who filled the trades and occupied the hills and valleys; but all of these as a rule followed in the lead of the wealthy, cultured slave-holders. In the gulf coast country and in the Natchez country they came in contact with the Latin civilization of the early settlers, but their social and political views finally predominated in the resultant forces that made Mississippi history and Mississippi society what it finally became, and what it is today.

V.

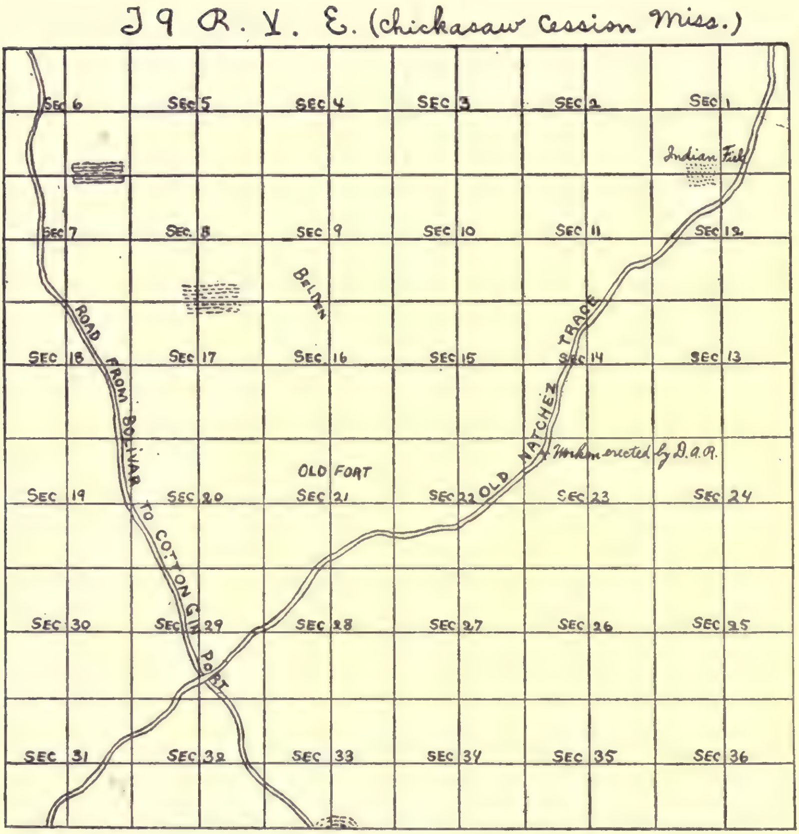
I append to these general observations maps numbered I, II, III, and IV, showing some cross sections of Natchez Trace, and other prominent Indian and pioneer roads, as taken from photographs of the original surveys of the lands ceded to the government by the Chickasaws. These maps omit minor details of those surveys, but show the roads and Indian settlements accurately. I add to each a few notes of explanation.

No. I.

Map No. I is a drawing from a blue print of the original plan or map of the route of Natchez Trace as projected by the United States government. It is perfectly plain that the map is inaccurate in the courses followed, or that the original plan was materially modified, when the road was actually located. The general direction of Natchez Trace from the Mussel Shoals on Tennessee River is south-west to Natchez. According to this map, the road ran almost half across the State, a little south-easterly from the Tennessee River, and then in an obtuse angle almost to Walnut Hills (Vicksburg). This plan was plainly not followed.

No. II.

The annexed map, No. II, is taken from a photographic copy of the Original Survey made by the United States Government in 1833 and 1834 showing the exact location of Natchez Trace, and the Bolivar Trail, in Township 9, Range 5, Lee County. The city of Tupelo is just east of Section 36, in the adjoining township. The location of the marker erected by the Daughters of the American Revolution, in November, 1914, is less than three miles north-east of Tupelo. The school histories, and other writers have always placed the town of Pontotoc on Natchez Trail. As this map and other investigations show, the old road at the nearest point ran several miles south-east of Pontotoc. With the aid of Capt. Dosier, a well known surveyor of Lee County, the deeply worn track of the famous road was located where it crossed the North half of southeast


T 9 R. V. E. (Chickasaw Cession Miss.)
SEC 6
SEC 5
SEC 4
SEC 3
SEC 2
SEC 1
Indian Field
SEC 7
SEC. 8
SEC 9
SEC 10
SEC 11
SEC 12
BELDEN
ROAD FROM BOLIVAR TO COTTON GIN PORT
OLD NATCHEZ TRACE
SEC 18
SEC 17
SEC 16
SEC 15
SEC 14
SEC 13
Marker erected by D.A.R.
OLD FORT
SEC 19
SEC 20
SEC 21
SEC 22
SEC 23
SEC 24
SEC 30
SEC 29
SEC 28
SEC 27
SEC 26
SEC 25
SEC 31
SEC 32
SEC 33
SEC 34
SEC 35
SEC 36

Map II.

quarter of Section 21. The road has been long enough disused for large black-jack trees to grow out of its deep furrow on the hill-tops. Its course and location was pointed out by the Government Survey. It can be easily located in many places, especially where it crosses hill-tops. In cultivated fields and low grounds, the deposit of the years has left no trace of it. The old Fort constructed by the Chickasaws, under their English officers, which withstood the assaults of Bienville in 1736, at the Battle of Ackia,[7] was on Section 21, as shown by this map. It was built on a slightly rising plateau in the form of a parallelogram, longer north and south, covering about two acres. Col. W. L. Clayton, of Tupelo, a highly respected and distinguished retired lawyer, tells the writer he has seen the fort many times before and since the war. His mother-in-law, Mrs. Sharver, lived within a half mile of it; he says the country people before the Civil War gathered leaden balls at the Fort to "run" bullets for their rifles. Much silver was found on Sections 14 and 15. Col. Clayton's son, Mr. Stewart Clayton, now has silver spoons made from silver found there.

"Tradition from the Chickasaw Indians says the French charged the Fort three separate days before the final failure, and that the Chicasaws in pursuit captured many French prisoners, and among them a number of Catholic Priests. When the pursuit ceased and night came on, the Indians began torturing and burning the prisoners. They took them one at a time and tortured and burnt them in sight of all the others who were wating their turn. It was so cruel and horrible, that finally the Catholic Priests persuaded the soldiers all together to rush into the fire and end the waiting. And so, at an agreed signal, they all, soldiers and Priests, rushed into the fire, chanting the Miserere, and perished in the flames."

This tradition reported to the writer by Col. Clayton, was obtained of Rev. Mr. Stuart, a Presbyterian minister and a missionary for many years among the Chickasaw Indians, having his headquarters at Pontotoc.

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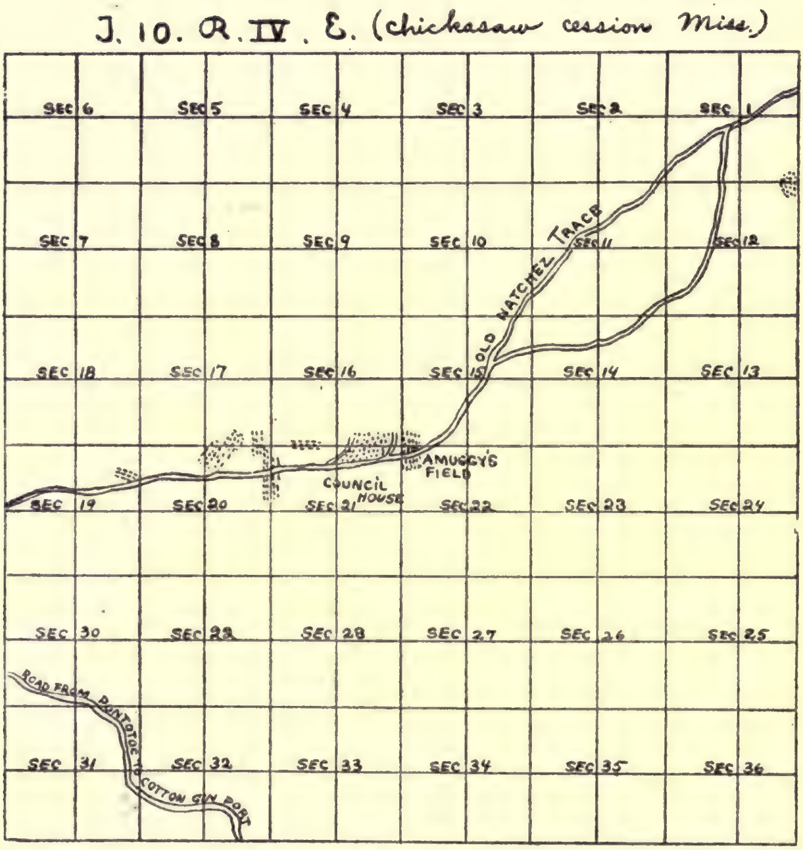
[7] For a full account of this battle, see Hamilton's "Colonial Mobile," p. 128.


T. 10. R. IV. E. (chickasaw cession Miss.)
SEC 6
SEC 5
SEC 4
SEC 3
SEC 2
SEC 1
SEC 7
SEC 8
SEC 9
SEC 10
SEC 11
SEC 12
SEC 18
SEC 17
SEC 16
SEC 15
SEC 14
SEC 13
OLD NATCHEZ TRACE
AMUGGYS FIELD
COUNCIL HOUSE
SEC 19
SEC 20
SEC 21
SEC 22
SEC 23
SEC 24
SEC 30
SEC 29
SEC 28
SEC 27
SEC 26
SEC 25
ROAD FROM PONTOTOC TO COTTON GIN PORT
SEC 31
SEC 32
SEC 33
SEC 34
SEC 35
SEC 36

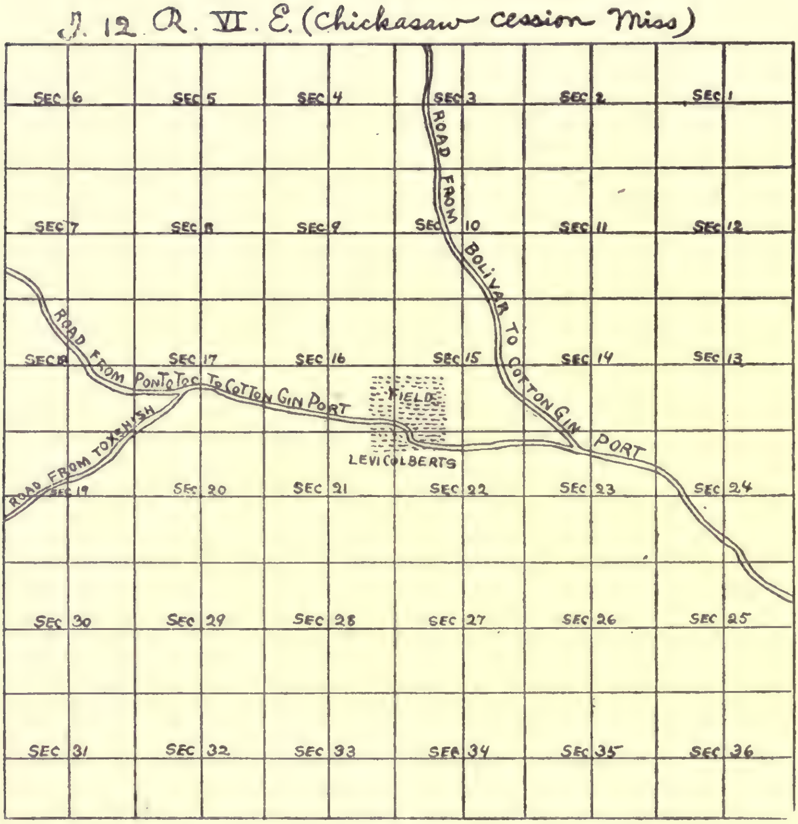
Map III.

No. III.

Map No. III is six miles farther south and six miles farther west than No. II, and is likewise a copy of a photograph of the Original Government Survey, made in 1833–34, so far as roads and Indian settlements are concerned. A new road was laid out when the Government Land Office was established at Pontotoc, leading from there to Cotton Gin Port, which passes across the south-west corner of the map, some eight miles south-west of Tupelo. This map shows some of the many Indian villages along the Old Natchez Trace, and between Tupelo and Pontotoc. The larger and more numerous of these Chickasaw towns, however, are found on Map No. II, in Township 9, Range 5. Mr. Soule Kilpatrick, a prominent citizen of Lee County, now living at Verona, and about ninety years of age, says certain portions of Natchez Trace were used by the public, when he first saw the road in 1844.

No. IV.

Map No. IV shows the highways used by Indians and pioneers in Township 12, Range 6, in Monroe County, within 3½ miles of Cotton Gin Port to which they all converged. Levi Colbert's home, where he entertained travelers, is here laid down. Colbert's first home was near the Council Tree, just on the bluff one mile west of Cotton Gin Port, and near a good spring of water. It burned down, when Colbert rebuilt at the site noted on the map six miles west of Cotton Gin Port. Colbert was a chief, and with other members of his family was prominent in the Chickasaw Nation. The Pontotoc road again comes into view. Mr. Soule Kilpatrick of Verona, a gentleman of excellent memory and fine intelligence, tells the writer that this road was opened and laid off forty feet wide by the Government, when the Land Office at Pontotoc was established. This is doubt-


T. 12 R. VI. E. (Chickasaw cession Miss)
SEC 6
SEC 5
SEC 4
SEC 3
SEC 2
SEC 1
SEC 7
SEC 8
SEC 9
SEC 10
SEC 11
SEC 12
SEC 18
SEC 17
SEC 16
SEC 15
SEC 14
SEC 13
SEC 19
SEC 20
SEC 21
SEC 22
SEC 23
SEC 24
SEC 30
SEC 29
SEC 28
SEC 27
SEC 26
SEC 25
SEC 31
SEC 32
SEC 33
SEC 34
SEC 35
SEC 36
ROAD FROM BOLIVAR TO COTTON GIN PORT
ROAD FROM PONTOTOC TO COTTON GIN PORT
ROAD FROM TOXISHISH
FIELD
LEVI COLBERTS

Map IV.

less correct, but I have not been able to verify it by the records. This same gentleman went to school at Toxshish, to which another branch road shown on the map runs, in 1844. Toshkish was a church and school center about two or two and one half miles north of Red Lands, in Pontotoc County.

EDWARD C. WALTHALL

WALTHALL'S BRIGADE

A CURSORY SKETCH, WITH PERSONAL
EXPERIENCES

OF

Walthall's Brigade, Army of Tennessee

C. S. A., 1862–1865

BY

E. T. SYKES,

Late Adjutant-General Walthall's Brigade.

DEDICATION

To the soldiers of Walthall's Brigade, now living—and to the friends and relatives of such as have "passed over the river"—who so gallantly fought under their superb leader during the Civil War, and whose fittest eulogy is, that they always stood unawed before the enemy, and were worthy to be under command of their noble chieftain, this "sketch" is rememberingly and feelingly dedicated by the author, who counts it an honor to be called their "old adjutant general."

PREFACE

By an act of the legislature of the State of Mississippi, approved March 4th, 1878 (Pam Acts of 1878, pg. 139), entitled "An Act to provide for carrying into effect the Joint Resolution of the Legislature of this State, of the 8th day of February, A. D. 1878, for the collection and preservation, amongst the archives of this State, in some permanent and enduring form, of a record of the part taken by Mississippians and others in the service of this State, during the late and uphappy struggle between the States," Colonel W. H. McCardle, a resident journalist of Vicksburg, Miss., was designated a special Commissioner to carry into effect the objects and purposes of said resolution. In the anticipated discharge of said objects and purposes, the Colonel on entering upon the duties of said commission, requested General Walthall and other ex-Confederate officers, to write for use in his contemplated "Record," a sketch of their respective commands during said war.

Knowing that I was the custodian of the order books of, as well as other valuable papers pertaining to, the Brigade, General Walthall requested me to write the asked for "sketch" of his brigade. To this request I promised compliance, and at once proceeded to the pleasant duty. On completing the "sketch", I placed it in Colonel McCardle's hands for use by him; but, the Colonel failing to discharge his duties under said act: and likewise failing to return to me my manuscript, I later on, at the request of General Walthall, prepared for a permanent memorial, a more extended "sketch" of his brigade; and since his death, have still further added to and elaborated the original "sketch." In doing so, I have made free use of certain valuable information contained in papers committed by the General to my keeping, as far back as October the 15th, 1887.

The book containing the correspondence between General Walthall and Colonel Daniel R. Huntley, of the 31st Alabama Infantry, and letters of General Edward W. Pettus, of Alabama, and others, concerning the "battle of Lookout Mountain," and which along with the brigade order book, has been placed by me in the "Department of Archives and History" at Jackson, Mississippi, is deserving of being read by every survivor, as well as all others taking an interest in the war record of Walthall's brigade.

E. T. SYKES.

Columbus, Miss., 1905.

INTRODUCTION.

The publication of this little volume was authorized at the annual re-union of Walthall's Brigade held at Oxford, Mississippi, in September, 1906, under the supervision of the undersigned as a committee.

It has been a labor of love and of intense pride with us. We know that no command in the Confederate Army made a prouder record than the old brigade to which we belonged. No knightlier soldier ever drew blade in defense of a righteous cause than our great commander, General Edward C. Walthall. No truer men ever followed the leadership of a more gallant officer than the rank and file composing his brigade. When Mississippians remember upon how many ensanguined fields our men poured out their blood, or gave up their lives for the cause they loved, they will look with indulgence upon our references to the heroic lives of our comrades. Hence, this record is to preserve in enduring form the heroism of their "old brigade," not merely for the benefit of the living, but because the tribute is justly due the memory of our departed comrades. In a few more years the last survivor will have "crossed over the river," but we will be happy in the consciousness that we have left behind us an unspotted record. From the princely General whose gleaming sword, like the "white plume of Navarre," was ever found in the front of the battle, to the humblest private, who, by his sublime courage, made victory possible, the name and fame of Walthall's Brigade will be a priceless legacy to Mississippi and Mississippians.

We here recognize the faithful service of our Adjutant General, Col. E. T. Sykes, for his patriotic work in the preparation of this history and commend it to the survivors of the old brigade and to the descendants of those who "have gone before," and to every Mississippian who is proud of the name he bears.

THO. SPIGHT,
J. W. BUCHANAN,
T. C. CARTER.

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INTRODUCTORY SKETCH.

Edward Cary Walthall, commander of the brigade bearing his name, was born in Richmond, Va., April 4th, 1831. When he was quite a lad his parents—B. W. and Sally Walthall, *nee* Sally Wilkinson—removed to Holly Springs, Miss., where they resided until their demise—the mother many years prior, and the father several years subsequent, to the civil war.

The mother was a sister of the distinguished Judge Edward C. Wilkinson, who moved from Virginia in 1830, and after prospecting at Natchez and Vicksburg for a suitable location for a young lawyer, finally settled at Yazoo City, Miss. He soon took high rank in his profession, and in a few years thereafter became Judge of that judicial circuit.

Whilst the Judge was in Louisville, Ky., in December, 1838, and just on the eve of his approaching nuptials with a young beauty of that city, a violent assault was made on him and his two companions at the Gault House by a band of ruffians resulting in the death of two of the assailants, and the severe wounding of the Mississippians. On the occasion of the judge's trial at Harrodsburg, Ky., under a change of venue to that place, the peerless Sergeant S. Prentiss, then a member of congress from the State of Mississippi, and where in the spring previous he had won the plaudits of an admiring world by his incomparable "contested election speech,"[1] volunteered his services in defense of his friend; and making a masterpiece of forensic eloquence, gathered all Kentucky into the folds of his admirers, and promptly won a verdict of acquittal for his friend—thereby presenting the opportunity for the consummation of the nuptial engagements which had been so inauspiciously deferred, and permitting the doubly happy judge to transplant to his Mississippi home one of Kentucky's fairest human flowers.[2]

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[1] **For notes, see Appendix A, page 596.**

Edward Cary Walthall, the subject of this sketch, received an academic education at Holly Springs, Miss., was admitted to the bar in 1852, and commenced the practice of law the same year in Coffeeville, Mississippi. He was elected in 1856 district attorney for the 10th judicial district of Mississippi, and re-elected in 1859; resigned that office in the spring of 1861 and entered the Confederate service as a lieutenant in the 15th Mississippi regiment; was soon after elected lieutenant colonel of that regiment. In the spring of 1862 he was elected colonel of the 29th Mississippi regiment; was commissioned brigadier general April 23d, 1863, to rank from December 13th, 1862, and major-general on June 10th, 1864, to rank from June 6th, 1864. After the surrender, he practiced law at Coffeeville, Miss., until January, 1871, when he removed to Grenada, Miss., and continued the practice there until March, 1885. He was a delegate at large to the National-Democratic Conventions in 1868, '76, '80 and '84; in 1868 was one of the vice-presidents of the convention, and in 1876, '80 and '84, was chairman of the Mississippi delegations in the conventions of those years. In 1885 he was appointed by Gov. Robt. Lowry, of Mississippi, to the United States senate, as a democrat to fill the vacany caused by the resignation of Hon. L. Q. C. Lamar, appointed by President Cleveland, Secretary of the Interior, and took his seat March 12th, 1885. He was elected by the legislature of Mississippi in January, 1886, for the unexpired term aforesaid; and was re-elected in January, 1888, and again elected in January, 1892, for the terms which expired March 3d, 1895, and that to which last elected, expiring March 4th, 1901. On account of ill health he resigned in January, 1894, as Senator for the remainder of the then unexpired term ending March 4, 1895, but on the latter date re-entered the Senate by virtue of his said election for the term then beginning. Before the expiration of said last term, to-wit, on April 21st, 1898, after protracted illness, General Walthall died at his residence in Washington City. His remains were brought under escort of a congressional committee to his old home town, Holly Springs, Mississippi, and interred with honors in the graveyard there.

In one of the most inspiring and magnificently eloquent eulogies ever delivered in the U. S. Senate, Senator Hoar, after speaking of the courtly and magnetic bearing of General Walthall as a senator, referred to the high estimate which he was credibly informed, was placed by the Confederate authorities on Gen. Walthall's military capacity for command. Among other reflections he recalled the comment of Justice and ex-Senator Lamar, once made in his presence, that he considered Walthall "the ablest military genius of the Confederacy, with the exception of Lee and, I think, Stonewall Jackson."

The author recalls a remark made him a few years after the war by Col. Jno. B. Sale, of Aberdeen, Miss.,—now deceased—who from January 1864, to the close of the war, was "military secretary" on the staff of General Bragg, on duty at Richmond, Va. It was, that "Walthall was recognized by the authorities at Richmond, as being the best division commander in the Army of Tennessee, and was slated for the first vacancy occurring in the grade of lieutenant generalship of that Army."

It is reported that General Johnston is said to have remarked that, "had the war continued two years longer, Walthall would have been in supreme command of the Army of Tennessee."

In a letter written in the '80s, by Senator Lamar to Col. W. H. Hardy, then of Meridian, Miss., appeared substantially, this exalted estimate: "Of all the great men Mississippi has produced, General Walthall stands out in boldest relief, in moral purity, strength of mind, heroism of soul, and commanding influence among men."

General Hood's estimate of Walthall's military capacity may be judged of by what he says on pages 306–307, of his "Advance and Retreat." Speaking of his retreat out of Tennessee, next following our disaster in front of Nashville, he says:

"Lieutenant General Lee displayed his usual energy and skill in handling his troops on the 17th, whilst protecting the rear of our army. Unfortunately, in the afternoon he was wounded and forced to leave the field. * * * Major General Walthall, *one* *of the most able division commanders in the South,* was here ordered to form a rear guard with eight picked brigades together with Forrest's cavalry; the march was then resumed in the direction of Columbia, Stewart's corps moving in front, followed by those of Cheatham and Stevenson"—the latter being Lee's corps. * * * "I felt confident that Walthall, supported on his flanks by the gallant Forrest, would prove equal to any emergency which might arise. I therefore continued, although within sound of the guns of the rear guard, to march leisurely, and arrived at Bainbridge on the 25th of December."

Senator John T. Morgan, of Alabama, himself a patriarch and one of the most distinguished members of the United States senate, stated in a recent interview, that if called upon to name the two greatest men with whom he had served in that branch of congress, he would assign the lamented Allen G. Thurman, of Ohio, and Edward Cary Walthall, of Mississippi, to positions commanding the greatest distinction. He said they were the greatest men—with distinction unrivalled—who had served in the United States senate since—March the 5th, 1877—he (Morgan) donned the toga. After stating with emphasis, that Thurman was the biggest man intellectually of all with whom he had served, he added:

"Without detracting from the greatness of Thurman, I must say that the most perfect senator I ever met was Edward Cary Walthall of Mississippi. When I say perfect in speaking of Walthall I mean to say that his qualifications encompassed every essential that fit a senator for honorable and profitable service. In the first place, Walthall was the most charming man personally I ever met. He was a Crichton in intellect and a Chesterfield in manner. He was a gentleman whose company was elevating and ennobling. He was a statesman whose example was at all times worthy of the sincerest imitation.

"Grand in physical appearance, his mental proportions were grand also. But he was not physically strong, and for that reason his mental activities were circumscribed accordingly. With a stronger constitution his mentality would have been equal to that of Thurman. He had the ambition, the energy and natural aptitude for the fullest measure of greatness, but not being of a robust constitution, his means of prosecution were restricted. I loved Walthall and esteemed his companionship above appraisement.

An Incident.

"A colleague once told me of a conversation he accidentally overheard between Senator Hoar and Senator Walthall. The admiration of Senator Hoar for the distinguished Mississippian was well understood. The meeting between them was of the frankest nature. 'I have the greatest respect for your colleague, Senator George,' said Senator Hoar. 'He is in many respects a remarkable man, but frankly I rather eulogize you than him, for the plain reason that I never could approve of George's course as chairman of the Mississippi Democratic Executive Committee."

"Senator Hoar," answered Senator Walthall, "I desire to say that I was a member of the Mississippi Democratic Executive Committee when Senator George was chairman and the very thing which you say has caused you to criticise him as chairman met with my absolute approval."

That illustrated Walthall's true character. In truth he was as upright, unselfish, incorruptible and pure in life as Marcus Cato, and possessed what Burke characterized as the "chastity of honor that feels a stain like a wound," and whilst to a friend he was the vitalizing essence of loyalty, he was at the same time candid and outspoken in his advice or counsel.

To the day of his death General Walthall retained a deep and abiding interest in the "Old Confederate Soldiers," and sincerely cherished a manifest interest in the scene and memories of 1861–'65.

One of the most feeling, classical, and didactically historic addresses delivered by any one since the war, was delivered by General Walthall on June 3d, 1891, on the occasion of the unveiling of the Confederate monument in capitol square in Jackson, Mississippi, and in which stood and yet stands the life-size statue of ex-President Jefferson Davis, chiselled in Italy.

With the citizen soldiery, and the fair womanhood of Mississippi, gracing the occasion, as also, the presence of distinguished ex-confederates, who as officers and representatives of the federation of "United Confederate Veterans," had assembled in Jackson, for its second annual reunion, the scene was inspiring, whilst the immense audience, which only the canopied heavens could accommodate, stood transfixed throughout the orator's magnificent address—an address that will ever remain a southern classic.

On October 15th, 1889—being prior to the organization of the federation of "United Confederate Veterans"—the "Grand Camp Confederate Veterans of Mississippi" was organized at Aberdeen, Miss., when and where General Walthall was elected grand commander; General W. S. Featherston, 1st lieut.-grand commander; General S. D. Lee, 2nd lieut.-grand commander; and General Will T. Martin, 3d lieut.-grand commander.

Soon following the date of said election, the author was honored with a letter from his old chief, Gen. Walthall, requesting him in consideration of the official relationship existing between them in the war of the sixties, that he would again consent to serve him as adjutant-general; and conditioning his acceptance of the position to which he had just been elected, upon the author's acceptance of the tendered position of adjutant-general. The author promptly and cheerfully notified the grand commander of his acceptance; whereupon, the latter announced in orders the following named gentlemen and old army comrades, as composing his general and personal staff, viz.:

Captain E. T. Sykes, of Columbus, Mississippi, Adjutant-General.

Major L. W. Magruder, of Vicksburg, Mississippi, Aid-de-Camp.

Captain T. C. Carter, of Meridian, Mississippi, Aid-de-Camp.

Carter was a gallant soldier of Walthall's brigade. He has resided for many years past in Meridian, Miss., and is a leading business man of that city.

Magruder, noble fellow, was on the staff of Maj.-Gen. W. H. T. Walker up to the time (July 28, 1864) of the death of that gallant officer; after which he was assigned to duty on Brig.-Gen. Brantley's staff. For many years prior to his recent affliction, he was a leading politician and lawyer at Vicksburg, Mississippi. His many, many friends, who are legion, deplore his affliction.

Within a few days next after the death of General Walthall, the "Mississippi Division of the United Daughters of the Confederacy" held its second annual meeting in Columbus, Miss., when and where, on April 29th, 1898, there was adopted and promulgated the following resolutions expressive of the prevailing feeling of the women of the state:

> "WHEREAS, On the 21st instant it pleased the All-Wise Head of Church to remove by death from the scenes of his great usefulness, Mississippi's superb warrior, statesman and patriot, the lamented General and U. S. Senator, E. C. Walthall; therefore, be it
>
> *"Resolved,* That we, the Mississippi Division of the United Daughters of the Confederacy in annual convention assembled, sincerely lament his demise, and remembering his knightly gallantry on the battle-fields in the war between the States; and further recalling that he was the first commander of our state organization of Confederate Veterans, claim the privilege, as well as duty, of offering our spontaneous testimony to his pure and spotless character, his great soldierly qualities, and eminent statesmanship in the councils of the nation. Indeed, we feel that in the death of our General Walthall, we have lost the counsel and cooperation of one of earth's noblemen;
>
> *"Resolved, second,* That we tender our deepest sympathies to the loving wife and surviving family of our departed hero and friend, and commend them to the care of Him who will give them solace and support;
>
> *"Resolved third,* That a copy of the foregoing resolutions be furnished to the *Clarion-Ledger,* at Jackson, the *Commercial-Appeal,* at Memphis, to the New Orleans papers, and to the local papers for publication; and that the secretary of this convention be instructed to transmit to the family of the deceased hero and statesman, a copy of the same with the assurance of the heartfelt sympathy of our membership with them in their sore bereavement."

General Walthall was twice married. The maiden name of his first wife was Miss Sophy Bridges, a beautiful human nightingale. She died within a year after marriage, leaving no children.

His second wife, to whom he was married in 1860, was Miss Mary L. Jones, of Mecklenburg county Va. She survived him, and died childless.

CHAPTER 1

Organization of Walthall's Brigade, Army of Tennessee, C. S. A., together with some of the more important events and reminiscences of its War Record.

In November, 1862, whilst the "Army of Tennessee" was in camps at and near Tullahoma, Tenn., resting from the fatigue, and recuperating from the depletion of its ranks incident to its recent campaign through Kentucky, E. C. Walthall, then colonel commanding the 29th Mississippi Regiment of Chalmers' Brigade, Wither's Division, Polk's Corps, was informed by General Bragg of his recommendation for promotion to the rank of brigadier general; and the information was accompanied by an order for him to report the next morning to Brigadier General J. Patton Anderson, of Hardee's Corps, then in camp near Estill Springs, on the Nashville & Chattanooga Railroad, about nine miles south of Tullahoma, for assignment to the command of a brigade.

At that time the author was captain of Co. "K," 10th Mississippi Regiment, in the same brigade, division, and corps with Colonel Walthall, and was induced by him to accompany him as his prospective assistant adjutant general.

Reporting as ordered, and being assigned a brigade, which in the course of a few weeks underwent several changes in organization, the Colonel was ordered to move with it first, to Shelbyville, then to a point near Eaglesville, and from thence to Murfreesboro, Tennessee.

The brigade, of which Walthall was first given command, was composed of the following regiments, viz.:

24th Mississippi, W. F. Dowd, Colonel.
27th Mississippi, T. M. Jones, Colonel.
30th Mississippi, G. F. Neill, Colonel.
41st Mississippi, W. F. Tucker, Colonel.
45th Alabama, Jas. G. Gilchrist, Colonel,

On December 26th, near Murfreesboro, the 41st Mississippi was transferred from Walthall's (3d) brigade, to Chalmers' (2d) brigade, in exchange for Walthall's old regiment—29th Mississippi—commanded by Colonel W. F. Brantley.

During said time the temporary brigade staff was, as announced in the following orders, viz.:

HEADQUARTERS WALTHALL'S BRIGADE, ANDERSON'S DIVISION,
HARDEE'S CORPS, ARMY OF TENNESSEE,
Near SHELBYVILLE, Tenn., December 4, 1862.

General Orders
No. 1.

The following Officers of the Staff of the Colonel Commanding are hereby announced:

Captain E. T. Sykes, 10th Mississippi Regiment, Actg. A. A. General.

Captain R. W. Williamson, 30th Mississippi Regiment, Vol. Aid-de-Camp.

Captain Addison Craft, 27th Mississippi Regiment, A. Qr.-Master.

Dr. K. C. Devine, 27th Mississippi Regiment, Surgeon.

(Sg) E. C. WALTHALL,
Colonel Commanding.

In a few days thereafter, the following addition to the temporary staff, was announced, viz.:

HEADQUARTERS WALTHALL'S BRIGADE, ANDERSON'S DIVISION,
HARDEE'S CORPS, ARMY OF TENNESSEE,

General Orders, December 9th, 1862.
No. 3.

Captain J. A. Hooper, A. C. S., is hereby announced as acting Brigade Commissary on the staff of the Colonel Commanding.

He will be obeyed and respected accordingly.

By command of Colonel E. C. Walthall.

E. T. SYKES,
A. A. A. General.

And still later, the following announcement of brigade temporary staff officers was made, by Colonel T. M. Jones, 27th Mississippi Regiment, whilst in the temporary command of the brigade, viz.:

HEADQUARTERS 3D BRIGADE, WITHER'S DIVISION,
POLK'S CORPS, ARMY OF TENNESSEE,
Near MURFREESBORO, Tenn., Dec'r 27th, 1862.

General Orders,
No. 2.
New Series.

The following officers are announced on the staff of the Colonel Commanding, viz.:

1st Lieutenant D. M. Currie, 24th Mississippi Regiment, Acting Inspector-General.

2d Lieutenant J. H. Wood, 27th Mississippi Regiment, Acting Ordnance Officer.

They will be obeyed and respected accordingly.

By command of Colonel T. M. Jones.

E. T. SYKES,
A. A. A. General.

And yet later, Captain Addison Craft having been ordered to post duty at Chattanooga, Tenn., the following order filling the vacancy on the brigade staff occasioned thereby was made and issued, viz.:

HEADQUARTERS WALTHALL'S BRIGADE,
Near SHELBYVILLE, Tenn., Jan'y 28th, 1863.

Special Orders,
No. 12.

Captain W. G. Beanland, A. Q. M., 29th Mississippi Regiment, will relieve Captain Addison Craft as Brigade Quartermaster on the staff of the Brigadier General Commanding.

By command of Brig.-Gen'l Walthall.

E. T. SYKES,
A. A. A. General.

Captain Craft had been the efficient Quarter-Master of the brigade from its organization in December previous, and had rendered most valuable and appreciative service throughout, and especially during the Murfreesboro campaign and battle; and the author personally knows it to have been with supreme reluctance and regret, and only in obedience to the assignment by superior authority, of Captain Craft to post duty at Chattanooga, that General Walthall consented to the severance of their headquarters' family relations; relations doubly dear to each by reason of the fact that they were reared in the same town (Holly Springs), had been boys together and intimates from childhood.

Immediately following the battle of Murfreesboro, the 34th Mississippi Regiment, Colonel Samuel Benton commanding, was transferred to Walthall's brigade to replace the 45th Alabama regiment, that had been transferred to Managault's brigade. By this exchange and transfer the brigade became wholly a Mississippi organization, and of which Walthall continued in command until the date of his promotion to the rank of Major General.

Thus organized the brigade was composed of the 24th, 27th, 29th, 30th, and 34th Mississippi Regiments, and Barrett's battery of artillery—the latter commanded by Captain O. W. Barrett, of Missouri.

Save as to a change of batteries (Lumsden's—commanded by Captain C. L. Lumsden, a graduate of the Virginia Military Institute, and at the outbreak of the war, Military Instructor of the corps of cadets at the University of Alabama—being on July 16th, 1863, substituted for Barrett's, and later and just prior to the battle of Chickamauga, Fowler's battery—commanded by Captain W. H. Fowler—being exchanged for Lumsden's), the brigade organization continued throughout Walthall's service as Brigadier General; indeed to the close of the war. Both Lumsden's and Fowler's were Alabama batteries.

CHAPTER 2

Battle of Murfreesboro—Losses in—Captain Lambert May—Capture of Artillery—Sketch of General J. Patton Anderson, Commanding the Brigade during said Battle—Lieutenant Colonel Jas. L. Autry—Death of.

Immediately following its organization, and just prior to the battle of Murfreesboro (Stone River, as called by the Federals), General Walthall was taken dangerously ill, and was advised by General Bragg to accept a leave of absence until his health could be restored. For a few days after his departure for Virginia to be nursed by his wife at the home of her parents, the brigade was in turn commanded by Colonels G. F. Neill of the 30th, and T. M. Jones of the 27th Mississippi regiments. But the sudden advance movement of Rosecran's entire army on Bragg's troops in and around Murfreesboro, making it plain that a battle was imminent, General Bragg on the evening of December 27th, assigned Brigadier General J. Patton Anderson to the temporary command of Walthall's brigade; and thus commanded, the brigade participated in and won imperishable renown in the engagement which followed.

For the conspicuous part taken by the brigade in the sanguinary battle of Murfreesboro, I refer particularly to the official reports of General Anderson, in "War of the Rebellion—Official Records of the Union and Confederate Armies," Serial No. 29, pages 762–767; and of General Bragg, on page 668 of said number.

But it is pertinent in this place to record the following special facts, viz.:

The brigade headquarters books show that, at the time General Anderson assumed command, the brigade numbered an effective total of 1,800; and that in the battle of Murfreesboro only a few days thereafter, it lost 766 officers and men, as follows: Killed, 119; wounded, 584; missing, 63. During the morning of the first day whilst swinging across a field—to the north and adjacent to the Wilkerson pike—in short range of grape, canister and shrapnel, 62 officers and men were killed, and 139 wounded of the 30th Mississippi regiment (commanded by Lieutenant Colonel J. J. Scales) alone: all within a very short space of time, and upon an area not greater than an acre of ground.[3]

The movements of the brigade immediately preceding the battle, were: About midnight on the 27th, orders were received by General Anderson to move at an early hour the next morning, and form in line of battle by 9 A. M. The brigade was accordingly marched from its cantonments on the outskirts of Murfreesboro, and with Chalmers' and Manigault's brigades of the same (Wither's) division, was drawn up in line of battle at right angles with the Nashville pike, and about 1,000 yards in front of the point where the pike crosses Stone river; Brigadier General Chalmers' right resting upon the pike very near the point where the railroad intersects it, and his left reaching up a slope in an open field, and resting about the crest of the hill, with an interval on the top of the hill of about 80 yards between General Chalmers' left and Anderson's right. The line of the latter was a prolongation of Chalmers', and extended across the Wilkerson pike some 300 yards into a dense cedar brake. Colonel Manigault (commanding Anderson's former brigade) was on the immediate left of Walthall's brigade, and was deflected to the rear at an angle of about 45 degrees. Walthall's brigade was posted from right to left as follows: Barrett's battery (four guns) on the crest of the hill, in open field; the 27th Mississippi, Colonel T. M. Jones commanding; 29th Mississippi, Colonel W. F. Brantley; 30th Mississippi, Lieutenant Colonel Junius J. Scales; 24th Mississippi, Lieutenant Colonel R. P. McKelvaine, and the 45th Alabama, Colonel James G. Gilchrist, commanding. The troops remained under arms during the afternoon and night of the 28th.

On the 29th, rifle pits were constructed along the line of the 27th Mississippi, which was in the open field. Slight earthworks were likewise thrown up to protect the cannoneers and horses of Barrett's battery against the enemy's sharpshooters. The other regiments, all of which were in the cedar forest, erected temporary breastworks of stone, great quantities of which covered the ground about them. Ere then a line of skirmishers had been thrown out several hundred yards in front, connecting on the right with those of General Chalmers', and on the left with those of Manigault's brigade. Only light skirmishing occurred that day resulting in only a few casualties.

Commencing with the early morn of the 30th, the skirmishers became, and continued throughout the day, hotly engaged, the killed and wounded aggregating 35. About nine o'clock the same evening, the order for attack the next morning was received through division headquarters, and this order was promptly communicated to the several regimental commanders.

Soon after daylight the next (31st) morning, a few shots on our extreme left, quickly followed by the thick roll of musketry, and then by booming artillery, announced that the action had commenced. As in the order for the movement we were instructed to conform elbows to the left, the extreme left had necessarily to advance some distance, swinging around upon the right, before Walthall's brigade could move out of its position—particularly so, as Manigault's line on our left was deflected, and making it necessary for his left to describe an arc equal to the eighth of a circle, the length of his line being the radius, before reaching the point where it would be on a prolongation of Walthall's line.

About 9 A. M. the first movement forward of Walthall's line began. From thence to the close of the engagement, and until our retreat began on the early morn of January 4th, 1863, its splendid conduct is fully and best told in the reports of the general, corps, division and brigade commanders.

The most gallant of the many daring acts witnessed by the author during the war, was performed on this occasion by Captain Lambert May, a volunteer aid-de-camp on the staff of General Anderson. It was at this time and turn in our brigade line, and when so many of our men were falling, that General Anderson realizing that to the success of the movement, two federal batteries in position on the knoll skirting a cedar brake to our immediate left front and having an enfilade fire on our wheeling line, should be captured or silenced, ordered his staff to direct a part of the line to that duty. Whereupon Captain May, a naturalized Frenchman, whose home was in Kentucky, a man possessing some artless peculiarities common to his race, but clever, companionable, and as courteous as Chesterfield, and as brave as a Homeric Achilles, rushed to that part of the line nearest the batteries and taking command thereof, ordered, and with pistol in one hand and saber in the other, led a charge upon and captured the batteries. 'Twas four guns of those batteries which shortly afterwards at Shelbyville, Tenn., were presented by General Bragg to the brigade in recognition of its splendid record made in the battle of Murfreesboro. May, gallant soldier, was dangerously wounded on the bloody field of Chickamauga (September 19th, 1863), by a minnie ball passing through his face. He died a few years ago at or near Meridian, Mississippi. One of his daughters is the wife of the cultivated gentleman, genial friend, and distinguished lawyer, the Hon. S. A. Witherspoon, of the Meridian bar.

Of the many noble sons of Mississippi whose lives were offered in the battle of Murfreesboro a willing sacrifice upon their country's altar, was the accomplished and peerless soldier, Lieutenant Colonel James L. Autry, commanding the 27th Mississippi regiment, and one-time speaker of the house of representatives of that state. He fell pierced through the head by a minnie ball, causing instant death, whilst gallantly leading his regiment in a charge on the enemy.

It is eminently appropriate in this connection, to record a cursory sketch of the military service of General Anderson up to and inclusive of the time he was in the temporary command of Walthall's brigade.

On the breaking out of the war, J. Patton Anderson, though reared in Mississippi, and from that state appointed by President Pierce territorial governor of Washington, was residing in Florida. He was a resident of Jefferson County when Florida passed her ordinance of secession, in 1861, and represented his county in the state convention which passed said ordinance. He likewise represented his state in the provisional congress at Montgomery, which framed the constitution of the Confederate States; but when the first call was made for troops to maintain the new government, he resigned his seat in congress to enter the military service. On so entering, he was appointed by its governor—John Milton—Colonel of the 1st Florida regiment, with orders to report to General Bragg, at Pensacola, Fla., and where he remained in the active command of his regiment until his appointment as brigadier general, February 10th, 1862. The brigade to the command of which he was first assigned, was composed of the 1st Florida, 17th Alabama and the 5th and 8th Mississippi regiments. At various times whilst brigadier general, General Anderson was in the active command of a division. On February 17th, 1864, he was promoted major general; and after some service as such in Florida, he was ordered to the Army of Tennessee, and assigned to the permanent command of Hindman's old division; and thus served until disabled by wounds received in the battle of Jonesboro, Ga., August 31st, 1864.

The first year of General Anderson's service was comparatively inactive. For, apart from the two several bombardments of Fort Pickens, Fla., by the masterly defensive, as well as offensive, cordon of fortifications extending from a point east of the navy yard, to and beyond Fort McRea, a distance of nearly five miles, the whole being almost equi-distant from Fort Pickens and its outlying batteries; and apart from the burning by the federals under cover of night, of the dry dock at the navy yard on September 13th, 1861, the only incident of special importance or note, occurring during General Bragg's command at Pensacola, was the night attack on "Billy Wilson's Zouaves," encamped just outside and to the east of Fort Pickens, on the early morn of October 8th, 1861.

The Confederate attacking force, consisting of two companies selected from each of the several regiments of the army, were ordered to assemble at the navy yard at a given hour that night, preliminary to being transported in scows across the bay to Santa Rosa Island. Landing on the island whilst it was yet night, the attacking force was organized into three separate columns, commanded respectively by Colonels J. Patton Anderson, 1st Florida; J. K. Jackson, 5th Georgia, and Jas. R. Chalmers, 9th Mississippi —the whole commanded by Brigadier General (afterwards lieutenant general) Richard H. Anderson, and who was wounded in the retreat following the failure of the attacking column.[4]

In the battle of Shiloh, where he commanded the 2d brigade, Ruggles' division, 2d army corps, and in the battle of Perryville, where he commanded one of the two divisions constituting the "left wing" under Hardee, General Anderson won the commendation of his superiors and the confidence of his soldiers.

General Anderson was tall, shapely, erect of carriage, handsome, chivalric in bearing and in action, warm hearted and genial in manner and address; and when mounted on either of his two splendid war chargers—"Bragg" or "Yancey"—he looked the personification of the conquering hero. In every respect he was the accomplished and lovable gentleman, and at the same time, recognized as one of the best brigade and division commanders in the "Army of Tennessee."

General Bragg in a letter to the author, under date of February 8th, 1873, says of General Anderson, "He was as noble and true a soldier and gentleman as any age can boast."

General Anderson died in Memphis, Tenn., on September 19th, 1873, and among his last articulate words were: "And this is the anniversary of the battle of Chickamauga."

As illustrative of the honesty and purity of character of General Anderson, I feel justified in recording the substance of a unique and forceful "notice" which I recall as once having heard General Walthall say appeared in a newspaper published at the home town of General Anderson in North Mississippi, at the time of the general's return after the expiration of his term of office as governor of Washington territory. It appears that when the general left North Mississippi to enter upon his term of office as said territorial governor, he was indebted to individuals in amounts largely in excess of his pecuniary abilty to pay, but that, whilst in said territory he made certain investments which proving successful, enabled him to meet all his outstanding obligations. Hence it was, that on his return to his old home in Mississippi, he, without intimating his purpose, or consulting with any one, had inserted in his home paper, a notice of which the following is the substance:

"Your Redeemer Liveth.

All creditors of J. Patton Anderson will, on presenting their claims to the undersigned, be paid in full of principal and interest of their several demands.

(Sg) J. Patton Anderson."

As the adjutant general of the brigade which he temporarily, and in the absence of General Walthall, commanded, and on whose staff I served throughout the absence on sick leave of the latter, I became quite intimate with General Anderson. And for reasons personal to myself, I feel justified, yea, deem it pardonable to quote at length the substance of an incident narrated by me in "A Cursory Sketch of General Bragg's Campaigns," and contributed in 1883, to the Southern Historical Society Papers" (Vols. 11 and 12), published at Richmond, Va., viz.: On the evening of January 2d, 1863, Walthall's brigade, commanded by Brigadier General J. Patton Anderson, was ordered to move rapidly a distance of one and one-half miles, or thereabouts, to the support of General Breckenridge, who was being driven back in his attack on the enemy's left. Being put in motion to the indicated point, and having to pass through an open field immediately in rear of the troops to our right, besides having to ford the intervening river (Stone), the brigade reached the designated supporting position just as night set in and whilst Major (afterwards, brigadier general) Felix H. Robertson, a young but promising officer, who at the breaking out of the war resigned his cadetship and left the military academy at West Point, to unite his fate with his people, and at the time referred to, was chief of artillery on the staff of Lieut. Gen. Leonidas Polk, was holding in check with his well massed artillery the exultant enemy, who, till then, was in hot pursuit of Breckenridge's retreating troops. During the night and incident to the confusion on such occasions, General Anderson reported through me in writing to General Withers—his division commander—that he could find no line to support, that there were no Confederate forces, save his own picket line, in his immediate front.

From after developments, it was made plain that the communication aforesaid, was promptly forwarded by General Withers through corps to army headquarters; for, within a reasonable space of time, and whilst General Anderson and myself were sitting astride a log with the capes of our overcoats thrown over our heads as a protection from the cold and drenching rainfall, a courier rode up and delivered an order, directing General Anderson, or his assistant adjutant general, to report at army headquarters without delay. Owing to the precarious condition of affairs, General Anderson did not deem it prudent to absent himself from the brigade, hence, directed me to accompany the courier. Following the courier for several miles, we finally drew up in front of one of the finest mansions in Murfreesboro, and on entering and making myself known, I was invited by an aid-de-camp and brother-in-law of General Bragg—1st Lieutenant Townson Ellis—into a large drawing room, elegantly furnished, and where sat the commander-in-chief, surrounded by his corps and division commanders. Besmeared with mud, and tired from exposure and loss of sleep, I felt decidedly out of place in this galaxy of generals; but, on entering the room I was in a measure relieved of my embarrassment by General Withers rising and introducing me as the officer who had penciled the dispatch about which the officers had been assembled, whereupon the commander-in-chief invited me to be seated. After a few words responsive to the pertinent and laconic questions propounded to me, I realized that General Bragg was satisfied and convinced of the accuracy of the statements contained in said written communication, and turning to and addressing General Breckenridge, he so stated. My impression was, that General Breckenridge, after first doubting and questioning, likewise recognized and acknowledged the correctness of the communication.

I did not then, nor do I now conceive that General Breckenridge was censurable for the mistake which produced conditions so much endangering the safety of our army. His troops under his gallant lead, had just made a glorious fight, and on being repulsed, and in falling back (darkness in the meantime coming on), did not rally and form on the line designated, but formed further to the rear than he was ordered, thereby leaving Walthall's brigade front and flanks uncovered and exposed to the enemy. The darkness of the night and the density of the undergrowth having prevented General Breckenridge from accurately discerning and forming his troops on the line where directed, was sufficient palliation and excuse, as his boundless number of friends conceived, for his recognized blunder.

Before daylight the next morning, however, the brigades of Generals Pillow, Preston and Adams, of Breckenridge's division, had prolonged Anderson's right, and a few hours later the brigade of Brigadier General Jackson (J. K.) occupied most of the interval between Anderson's left and Hanson's right.

General Anderson reports: "In endeavoring to give a simple statement of the part taken by the troops (Walthall's brigade) under my command in this great engagement, the capture of several batteries has been mentioned in passing. I have abstained from making a statement of the number or kind of pieces taken, for the simple reason that I did not stop to count them or examine their caliber. The 27th, 29th and 30th Mississippi, all participating (but the 30th suffering more severely than the others), captured a battery, of from four to six guns, near a log cabin in the edge of the cedars, on the right of the Wilkerson pike, and not far from a well used by the enemy in procuring their water on the night previous to the battle. This battery included a small iron rifled piece, somewhat detached from, and a short distance to the right of the other pieces, and lay in front of the 29th Mississippi, which took it. In the log cabin, and strongly supporting the battery, was a company of sharpshooters, all captured by the 27th Mississippi.

Farther to the left was a battery, nearer the Wilkerson pike, from which the enemy were driven by the 24th Mississippi, supported by the 45th Alabama. Some 15 or 20 prisoners were here captured at the pieces.

Another battery was posted still farther to the left, and nearer the Wilkerson pike, close by which the left of the 45th Alabama (my left regiment) passed simultaneously with the right of Colonel Manigault. This battery, however, was silenced a few minutes before we reached it—I think by one of our batteries playing from a direction where I supposed Colonel Manigault's left to be at the time his right reached the battery simultaneously with my left. As the batteries immediately in my front were being passed, I directed Captain May, of my staff, to have the pieces taken to the rear with as little delay as possible. He subsequently reported to me that he delivered to the chief of ordnance in Murfreesboro eight pieces of different caliber; and I afterward learned that there were two or three pieces taken from the same part of the field by other parties, whose names I could not learn."

Referring to the position of the brigade whilst supporting Breckenridge during the day and night of the 3d, General Anderson says in his report:

> "The troops remained in line of battle during the day; many, however, were sent to the rear on account of sickness, caused by the fatigues and exposures of the six days and nights past. It rained nearly all day (3d), and at times so violently that fires could not be kept up and blankets and clothing were wet, and cooked rations were in a condition, from the same cause, not at all inviting, even to a half-famished soldier.
>
> About sundown I received an order from Major General Withers to withdraw my command at 9 o'clock that night from its position and take up the line of march down the Shelbyville pike. At the moment the hour arrived, and just as the column was about to be put in motion, I was directed to suspend the execution of this until further notice.
>
> At 11 o'clock the order was repeated, the movement to commence at 1 o'clock the next morning.
>
> At 1 o'clock the morning of January 4, my command moved right in front, following the rear of Brigadier General Pillow's brigade, until we reached the public square in Murfreesboro, where I rejoined Major General Wither's division, to which I belonged, and marched with it to this place (Shelbyville) without the loss of a man or anything else."

CHAPTER 3

Walthall Assumes Command of His Permanent Brigade—Nomination of Permanent Staff—Permanent Staff Commissioned—Roster of—Battery of four (4) guns presented Brigade.

General Walthall having sufficiently regained his health, returned to the army then at Shelbyville, Tenn., on January 17th, 1863, when and where he found awaiting him his commission as brigadier general. He thereupon issued and had promulgated the following general order:

HEADQUARTERS WALTHALL'S BRIGADE, WITHER'S DIVISION,
POLK'S CORPS, ARMY OF TENNESSEE,
Near SHELBYVILLE, Tenn., January 18th, 1863.

General Orders,
No. 3.

Brigadier General Walthall has this day assumed command of this Brigade.

(Sg) E. C. WALTHALL,
Brigadier General.

Selecting his permanent staff, General Walthall addressed an application to the adjutant and inspector general, Richmond, Va., of which the following is a copy:

HEADQUARTERS WALTHALL'S BRIGADE, WITHER'S DIVISION,
POLK'S CORPS, ARMY OF TENNESSEE,
Camp AUTRY, near SHELBYVILLE, Tenn., February 12th, 1863.

General:

I have the honor to nominate the following staff officers, and ask that they be appointed.

E. T. Sykes, now a Captain in the 10th Mississippi Regiment, to be Captain and A. A. General.

W. A. Rayburn, now a Captain in the Army of Mississippi, to be Major and A. Q. Master.

John A. Hooper, now A. C. S. to the 34th Mississippi Regiment, to be Major and A. C. S.

B. A. Walthall, to be 1st Lieutenant and Aid-de-Camp.

I am, sir, your Ob't Serv't,
(Sg) E. C. WALTHALL,
Brigadier General.

Adj't & Inspt'r General,
S. COOPER,
Richmond, Va.

On the 20th of January previous, and only two days after assuming command, General Walthall issued the following order:

HEADQUARTERS WALTHALL'S BRIGADE,
Near SHELBYVILLE, Tenn., Jan. 20, '63.

General Orders,
No. 5.

First (1st) Lieutenant George M. Govan, 9th Mississippi Regiment, is announced as Assistant Inspector General on the staff of the Brigadier General Commanding.

He will be obeyed and respected as such.

By command of
Brigadier General E. C. WALTHALL,
E. T. SYKES,
A. A. A. General.

In general orders No. 12, dated near Shelbyville, Tenn., January 20th, 1863, B. A. Walthall was announced as aid-de-camp to the general commanding the brigade; and in special orders No. 12, dated near Shelbyville, January 28th, 1863, Captain W. G. Beanland, A. Q. M., 29th Mississippi regiment, was ordered to relieve Captain Addison Craft, as acting brigade quartermaster.

The officers named and recommended in the application of General Walthall of February 12th, 1863, to General Cooper, adjutant and inspector general, Richmond, Va., having been favorably acted upon, and severally commissioned on April 30th, 1863, to rank from February 12th, 1863, the brigade staff (including Dr. Divine, surgeon, and Lieutenant Govan, the latter preferring not to resign his commission in the line) was fully organized. Surgeon Divine served on the staff until May 16th, '63, when, in special orders No. 80, of that date issued at Camp Bragg near Lewisburg, Tenn., Dr. J. R. Griffith, 30th Mississippi regiment, was ordered to, and relieved him as brigade surgeon.

Lieutenant Govan served on the brigade staff as acting inspector general from January 20/63, to the date of General Walthall's promotion to a major generalship; and continued to serve as such under General Brantley, until appointed Major of the consolidated 24th Mississippi regiment on the 10th of April, 1865.

The permanent staff of the brigade and which (with the exceptions named) continuously served until a change of brigade commanders—consisted of the officers given on the following page.

Of this list of officers Captain Sykes was the sole and only one who had been acting as such consecutively from the date of the organization of the brigade—the other staff positions being from time to time temporarily filled by detailed officers, as shown by the preceding orders detaching and assigning them.

Later, in special orders No. 130, dated near Chattanooga, Tenn., October 10th, 1863, Lieutenant J. P. Carter, 27th Mississippi regiment, was announced as acting ordnance officer of the brigade.

And still later, to-wit, on November 1st, 1863, near Chattanooga, General Walthall had made and issued the following special order No. 139:

> "Lieutenant D. M. Currie, ordnance officer of this brigade, having reported for duty, will relieve Lieutenant J. P. Carter, acting ordnance officer, under special orders No. 130 from these headquarters, under date of October 15th, 1863."

In addition to the foregoing regular, and acting brigade staff officers, the staff was, on two several, but short and distinctively unimportant, occasions, augmented by the services of gentlemen in the capacity of volunteers, to-wit: At Shelbyville, Tenn., in the spring of 1863, J. K. Clinton, the cultivated and brilliant conversationalist, noted political orator and quondam Baptist preacher, served for a short time as volunteer aid-de-camp to General Walthall. And for a short time just subsequent to the battle of Chickamauga, and whilst the brigade was on Missionary Ridge,

Names	Grade	Function	Date of commission	Date of rank	Remarks
E. T. Sykes	Captain	A. A. General	April 30, '63	Feb. 12, '63	In the early part of June, 1864, and just prior to General Walthall's promotion to a major-generalship, E. T. Sykes was transferred by the war department to the staff of Gen. W. H. Jackson, commanding a division of cavalry, as assistant adjutant general thereof, and continued thus to serve, to the close of the war.
Geo. M. Govan	1st Lieut. 9th Miss.	A. A. I–G	Not commissioned on the staff		
B. A. Walthall	1st Lieut.	Aid-de-Camp.	April 30, '63	Feb. 12, '63	
K. C. Divine		Surgeon			Relieved by Surgeon J. R. Griffith, 30th Mississippi regiment, May 16th, 1863.
W. A. Rayburn	Major	A. Q. M	April 30, '63		
Jno. A. Hooper	Major	A. C. S	April 30, '63		
D. M. Currie	Lieutenant 24th Miss.		Not commissioned a staff officer		Relieved Lieut. J. H. Wood, of the 27th Mississippi regiment.

Mr. Marshall Hairston, a young man, personal friend and neighbor of General Walthall, joined us and for a few weeks intervening that date and the battles of Lookout Mountain and Missionary Ridge, served acceptably as volunteer aid-de-camp on the staff of the brigadier-general commanding. Neither of said gentlemen held commissions in the army, nor were they entitled to pay as officers. They were not announced in orders as brigade state officers.

Captain Sykes accompanied Colonel Walthall from near Tullahoma, when en route to report to General Anderson at Estill Springs for assignment to the command of a brigade. Afterwards, and whilst Walthall was absent from the brigade on sick leave, Captain Sykes served on the staff of General J. Patton Anderson, both during the battle of Murfreesboro, and so long as that accomplished officer was in the temporary command of Walthall's brigade.

In recognition of the distinguished services rendered by the brigade in the battle of Murfreesboro, and as a mark of General Bragg's appreciation thereof, he addressed through his adjutant-general, the following communication to its commander:

HEADQUARTERS ARMY OF TENNESSEE,
SHELBYVILLE, Tenn., March 22d, 1863.

General:

I am directed by the General Commanding, to say that Colonel H. Oladowsky, his Chief of Ordnance, has received instructions to prepare a battery of four guns captured from the enemy at Murfreesboro, to be presented to your brigade as a compliment to the Mississippians who fought so bravely upon that bloody field.

You know how desperately and unwaveringly our troops fought on that occasion, and how many valuable sacrifices the capture of the guns cost. They are presented to your brigade with the hope and belief that the brave Mississippians to whose care they are entrusted, will nobly defend and protect them, and never allow them to be recaptured, if earnest fighting will prevent it.

The General wishes you to suggest the names of four officers—Mississippians—who fell at Murfreesboro, to be engraven upon the guns presented to the troops of your brigade.

I am, General, with high respect,

Your Ob't Serv't,
(Sg) KINLOCK FALCONER,
A. A. General.

Brigadier General WALTHALL,
Commanding Brigade.

To which communication, the following reply was made and returned.

HEADQUARTERS WALTHALL'S BRIGADE, WITHER'S DIVISION,
Camp AUTRY, near SHELBYVILLE, Tenn., 24th March, 1863.

Captain:

I have the honor to acknowledge the receipt of your communication of the 22d inst., and submit the following as suitable names to be engraven upon the captured guns which the commanding general designs presenting to this brigade.

Lieutenant Colonel James L. Autry, 27th Mississippi Regiment.
Captain Henry Harper, 29th Mississippi Regiment.
Captain Kershaw Williams, 29th Mississippi Regiment.
Second Lieutenant Thomas W. Boone, 30th Mississippi Regiment.

I deem it not improper to say that the officers and men of this command feel deeply sensible of the endorsement of their conduct on the memorable battle field of Murfreesboro, which the commanding general's action implies. Proud of approval from so high a source, and grateful for the honor done the gallant dead of this command, they assure their commander that the guns which will bear the names of those whose memory they honor, shall never be recaptured by our oppressors, if earnest effort and the willing sacrifice of life will prevent it; and that in the next engagement, they will contribute no less to the victory which they feel confident will follow, than they did to that which crowned our army at Murfreesboro.

I am Cap't, very respectfully,
Your Ob't serv't,
(Sg) E. C. WALTHALL,
Brigadier General.

Capt. KINLOCK FALCONER,
A. A. General.

The guns thus presented were a part of the two captured batteries previously referred to—and I feel that I will be indulged by the soldiers of Walthall's brigade to give in the commendatory language of both their division and corps commanders, mention of said capture. General Withers, their division commander, says, in his report of that battle, on pages 755–756 of Serial No. 29, "War of the Rebellion":

"Anderson's (Walthall's Brigade) left, being now moved forward immediately after the right of Manigault, was quickly engaged with the strong force in front. No brigade occupied a more critical position, nor were the movements of any invested with more important consequences. Opposite, there were three batteries strongly supported by infantry. The capture of the batteries and rout of the supports was a necessity. Anderson was, therefore, directed to take the batteries at every cost. Stewart's brigade had been moved up into the woods within close supporting distance. In rapid succession Anderson threw forward his regiments from left to right, and terrific was the fire to which they were subjected. Time and again checked, and almost recoiling before the tremendous fire, the regiments were as often rallied by their gallant and determined officers, and the brigade advanced by its cool, steadfast, and skilful commander. His right temporarily falling back in some confusion, caused by the fall of the gallant commanders of the two right regiments (Lieutenant Colonel James L. Autry, commanding Twenty-seventh Mississippi, killed, and Colonel W. F. Brantley, of the Twenty-ninth Mississippi, stricken down by the concussion from a shell exploding near him), Brigadier General Stewart was ordered forward to the support. * * * Anderson's right, quickly rallying and pressing forward, vigorously attacked and drove back the enemy. This completed the rout of his first line and the capture of the batteries. Our loss, however, was very heavy—the Thirtieth Mississippi alone having within the limits of an acre 62 officers and men killed and 139 wounded."

General Polk, their corps commander, in his report of said battle, pages 686–689, Ib., says:

At 9 A. M. Brigadier General J. Patton Anderson, on Manigault's right, moved, in conjunction with its left brigade, forward upon the line in its front. That line rested with its right near the Wilkerson pike, and is understood to have been Negley's division of Thomas' corps, which constituted the center of the enemy's line of battle. It was posted in the edge of a dense cedar brake, with an open space in front and occupied a position of strength not inferior to that held by Sheridan's right. His batteries, which occupied commanding positions, enabled him to sweep the open field in his front, were served with admirable skill and vigor, and were strongly supported. Anderson moved forward his brigade with firmness and decision. The fire of the enemy of both artillery and infantry was terrific, and his left for a moment wavered. Such evidences of destructive firing as were left on the forest from which this brigade emerged have rarely, if ever, been seen. The timber was torn and crushed. Nothing but a charge could meet the demands of the occasion. Orders were given to take the batteries at all hazards, and it was done. The batteries, two in number, were carried in gallant style. Artillerists were captured at their pieces, a large number of whom and of their infantry support were killed upon the spot, and one company entire, with its officers and colors, were captured. The number of field guns captured in this movement was eight, which, together with four others, from which the gunners had been driven by the heavy firing from Maney's long-range guns and Manigault's musketry on the left, made twelve taken on that part of the field. This was one of the points at which we encountered the most determined opposition, but the onward movement of the Mississippians and Alabamians was irresistible, and they swept the enemy before them, driving him into the dense cedar brake, to join the extending line of his fugitives. This work, however, was not done without a heavy loss of officers and men. The Thirtieth Mississippi, commanded by Lieutenant Colonel Scales, in the act of charging, lost 62 officers and men killed and 139 wounded; others lost in proportion. Here the brave Lieutenant Colonel James L. Autry, of the Twenty-seventh Mississippi, fell while cheering and encouraging his troops."

CHAPTER 4

Brigade at Shelbyville—At Lewisburg—Walthall's discipline—Walthall as Lieutenant-Colonel of the 15th Mississippi Regiment at Fishing Creek—Colonel of the 29th Mississippi Regiment at Munfordville—Colonel Rob't A. Smith—Walthall's discipline continued—Private John Malone—Col. T. M. Jones—Walthall Presented by his officers with a horse &c.

On falling back from Murfreesboro, Polk's Corps, of which Walthall's Brigade was a part, went into winter-quarters near Shelbyville, Tenn. From then to the date of Bragg's retreat to Chattanooga the June following, the brigade rotated monthly with the other brigades of the Corps in performing outpost duty on the principal roads facing the enemy; and once, to-wit, on April 26th, 1863, whilst Gen'l Earl Van Dorn was operating with his cavalry in front of Columbia, on the left of our Army, the brigade was sent near Lewisburg, about 6 miles east of Columbia, as his infantry support, and was encamped there at the time—May 7th, 1862—of the untimely death of that incomparable cavalry leader by the assassin's (Dr. Peters of Columbia) bullet.

It can be safely said that no troops of that or any other Corps in the Confederate army, made so good use of a respite from active campaigning, as did Walthall's Brigade. Himself a perfect master of drill, as of every element which pertained to the art of war, Walthall, by the constant drilling of his brigade under his personal command or supervision, brought them to the perfection of veterans of the old service.

His soldiers were not only the pride and admiration of his own heart, but were the recipients of praise and compliment from their superiors in the army; especially of those of the "West-Point School," who delighted to be present at and witness their maneuvers on the peaceful fields of drill, as they had before, and were so often afterwards, to view their aptitude and dexterous movements under their superb leader, upon the sterner and more dreadful fields of battle. As in the first, they had few equals, so in the latter, it was conceded, that they were without superiors.

Then, as now, the soldiers of Walthall's Brigade recognized the fact that their high standing in the Army, was due more to the acknowledged military accomplishments, and magnetic personal qualities of their commander, than to any special qualities of their own. And so great was their confidence in him, that they were prepared with cheerfulness, to overlook in him, apparent exactions of military discipline and ready compliance with orders, which, if emanating from another, would have received only reluctant obedience. They always felt that their welfare and best interest were uppermost in his thoughts; and confiding in his knowledge of their necessities, they implicitly obeyed his orders, and followed whatever his unerring judgment dictated, or his magnificent presence led the way.

Few volunteer officers rose superior to the interest of self, or hazarded their popularity at home by rigidly adhering to the demands of duty in camps, or on the field of battle. But, be the duty popular or unpopular in its tendencies, or the order apparently harsh and exacting, Walthall was sure to exact obedience or execute it, trusting his vindication always to the good sense of his soldiers, and which he felt sure, would in time, as it did, do him ample justice.

As evidence of his strict but just discipline, Gen'l Walthall conscientiously, yet rigidly enforced General Orders No. 39, from the War Department at Richmond, Va., under date of May 26th, 1862, authorizing and directing commanding generals in the field to organize—what Gen'l Bragg aptly styled "Dragnet"—Courts, to rid the army of incapable or inefficient officers, who by election or seniority, were entitled to promotion. After that date no soldier, be he officer, non-commissioned officer, or private—could reasonably hope to receive promotion in Walthall's Brigade, who was not, by reason of the requisite qualifications, entitled to it. As to this, I refer to General Orders No. 2, page 86, and General Orders No. 4, pages 87 and 88, of "Brigade Order Book," previously referred to in this sketch. Numerous instances of non-promotion for failure to pass the required examination are recorded within the lids of said Order Book.

The basic principle underlying Walthall's matchless command over his soldiers was the recognition by them of his unquestioned gallantry, his exact and equal justice, and his superb personality. Both officers and men knew of his conspicuous courage, dauntless and splendid handling of the 15th Mississippi Regiment, of which he was Lieutenant-Colonel in command (W. S. Statham, its Colonel, being absent on sick-leave), at "Fishing Creek," or "Mills-Springs" (as named by the Federals), in Jan'y, 1862, where Brigadier-General Zollicoffer was killed, and where Major-General George B. Crittenden was in supreme command of the Confederate forces engaged. They knew that it was Lieutenant-Colonel Walthall and his Mississippians who made imperishable fame in that small, yet bloody engagement; and that it was Walthall and the remnant of his gallant Mississippians that covered Crittenden's retreat out of Kentucky into East Tennessee, and saved his army from capture by the Federals under the command of General George H. Thomas. And they further knew that it was in recognition by President Davis of Walthall's exceptionally meritorious services on that occasion, that the President commissioned him a Colonel in the Provisional Army of the Confederacy, with authority to raise a regiment—and which on being raised, was numbered the 29th Mississippi, and joined the army under General Beauregard, at Corinth, soon following the battle of Shiloh.

They knew of his gallantry and the splendid handling of his regiment in the ill-fated and unauthorized attack by General Chalmers' unsupported brigade directed by him on the enemy in his fortified position at Munfordville, Ky., Sept'r 14th, 1862, and when under orders of Gen'l Chalmers, Col. Walthall, commanding the 29th Miss., Col. Bishop (W. H.), commanding the 7th Miss., and Col. White (T. W.), commanding the 9th Miss. Regiments—but more prominently, and almost alone the 29th Miss. made the charge on Fort Craig, silenced its fire; and had it not been that a piece of artillery of Colonel Scott's (La.) battery, which had been unadvisedly brought up by him, and opening fire on the Fort around the ditch of which Walthall and his men were halted, and in the confusion incident thereto, necessitating the withdrawal of the 29th as best it could from the besieged fort—Walthall would have captured Ft. Craig. At the time of the withdrawal of his command the garrison in the fort was cowed and the men were afraid to show their heads above the parapets; in fact, at the time Walthall received and executed the order to withdraw, he was preparing to bridge the ditch and enter the fort. For the safety of his men in withdrawing, Walthall's wise foresight prompted him to temporarily leave at the ditch his senior Captain and brave old soldier—Robert Robeson (then nearing his sixtieth winter) with his company, under orders to keep up a fire, until the regiment, which he thought, as it proved true, would not in the meantime be missed, could reach the woods several hundred yards in the rear, after which the old Captain was to scatter his men and reach the regiment as best they could. On the capture of the place three days later, Gen'l Bragg directed that the flag which was floating over Ft. Craig on the 14th, previous, and which was riddled by the bullets of Walthall's men, be presented to the 29th Mississippi regiment.

This unauthorized and uncalled for attack by Gen'l Chalmers resulting in a most unfortunate engagement for our arms, will ever remain vividly impressed on the memory of the officers and men of Chalmers' Brigade as an instance of over weaning ambition of a Brigade commander, taking and assuming hazards in the hope of achieving success, and winning a Major-General's commission.

During said engagement, the troops of the brigade participating were a part of the 7th Miss.—Col. W. H. Bishop comd'g; the 9th Miss.—Col. Thos. W. White comd'g; the 10th Miss.—Col. Robert A. Smith comd'g; part of the 29th Miss.—Col. E. C. Walthall comd'g; the 44th Miss.—Lieut. Col. James Moore comd'g; the battalion of Sharpshooters, Major W. C. Richards comd'g; and the brigade battery, commanded by Cap't James Garrity.

Of these commanders, Cols. Smith and Moore were killed, and Major Richards was severely wounded. Said engagement will remain especially and vividly engraven on memory's tablet of the officers and men of the 10th Miss. regiment—which being on the extreme left of the brigade, opened the fight shortly after sunrise by charging for a full quarter of a mile through an open field under a heavy fire from the enemy's strongly constructed fortifications. Among its killed was the knightly young soldier, with promise of few military equals, Col. Robert A. Smith, and the clever and brave old soldier—Lieut.-Col. James Bullard. In fact, the loss in this regiment was unduly heavy—being greater than the aggregate loss in all the other organizations of the brigade. Company "K" of said regiment, commanded by Cap't E. T. Sykes, lost six (6) killed, and twenty-five (25) wounded.

For full particulars of this engagement, as for the preliminaries leading up to, and the assigned reasons for making it, the reader is referred to the report of Gen'l Chalmers, made Sept'r 19th, 1862, and appearing in Serial No. 22, "War of the Rebellion," pages 973–980. In his preliminary report made on the 15th previous, Ib., page 972—the general, among other things, thus confesses his mistake, but seeks to palliate it: "I fear that I have incurred censure at headquarters by my action in this matter, but with the information in my possession, I felt that it was my duty to make the attempt, and I could only believe that the result would be successful."

On the foregoing report, Gen'l Bragg, from his headquarters at Knoxville, Tenn., under date of November 3, 1862, (Serial No. 22, "War of the Rebellion," page 980), made the following indorsement:

> "This attack was unauthorized and injudicious; but the conduct of the troops and commander in action reflects credit on both, and adds but another proof to the many of their distinguished gallantry. The loss of the gallant and admired Colonel Smith, with the other valuable officers and men of this distinguished brigade, will be mourned by their comrades and country."

General Bragg's estimate of Col. Smith may be best judged from the tone of the following letter of his written shortly after the close of the war to a friend in Jackson, Miss.

"Superintendent's Office,
Water Works Dep't, Commercial Bank,
New Orleans, Jan'y 22, 1868.

Dear Sir:—

It affords me great pleasure to receive your note of the 4th inst. enclosing the *carte de visite* of my late friend and fellow soldier, Colonel Robert A. Smith, tenth Mississippi Volunteers. Entering the service at an early age, without military experience or education, the Colonel fell in the gallant discharge of an almost desperate assault, in less than eighteen months, esteemed and honored for his acquirements and heroic deportment. To me his loss was severe, for I had looked to him for support, in a much higher and extended command.

Please convey my thanks to the Colonel's brother for this mark of kind remembrance, and believe me truly,

(Sg) BRAXTON BRAGG."

The correspondence between Gen'l Chalmers, and Cols. Wilder (J. T.) and Dunham (C. L.) commanding the federal forces at Munfordville, covering the 14th and 15th Sept'r, 1862, is given on pages 981–982, of Serial No. 22 "War of the Rebellion." Whilst the correspondence between Gen'l Bragg and the same federal officers two days thereafter, and culminating in the surrender of the federal garrison consisting of 4,148 officers and men, is fully set out on pages 968–979 of same serial No. of "War of the Rebellion."

Another element of recognized strength in Walthall's character was his uniform system of rewards and punishments. His administration of such was always tempered with conscientious impartiality and regulated and governed by an equable and discerning judgment. Bravery on the field of battle, or faithful discharge of duty in camp or on the march, was sure of its reward, whilst cowardice in battle, or shirking of duty in camp, was equally sure to be visited with condign punishment.

As evidence of the first, I will cite only a single instance—that of a boy soldier, whose bearing and conduct on many occasions had been observed by his Brigade Commander, and evoked from him prompt recognition, and direction to his Adj't-Gen'l to prepare and transmit to the Colonel of the boy-soldier the following commendatory communication:

"HEADQUARTERS WALTHALL'S BRIGADE,
Near Dalton, Ga., May 2d, 1864.

Colonel:

The Brigadier General Commanding directs me to call your attention to the soldierly conduct of private John Malone, company I, twenty-ninth Miss. Regiment, as noticed by him on several occasions. His prompt and ready discharge of duty entitles him to the favor of his commanding officers; and as a mark of their appreciation, it is directed by the Brig.-General Commanding that he be excused from all guard or other duty for the space of one month.

It is hoped that the example of private Malone may excite a generous emulation in his companions, and that by their efforts they may merit distinctive indulgence, which, in this case, is so eminently due and freely accorded.

I am, Colonel,
Very respectfully, your ob't servant,
E. T. SYKES,
A. A. General.

To Lieut.-Colonel J. M. Johnson, Comd'g,
29th, 30th & 34th Miss. Regiments."

That soldier-boy of the 60's now lives in Desoto County, Miss., and boasts of being the proud possessor of this commendatory communication of the long ago. He has been heard in recent years to say, that he "prized it beyond price," and valued it as the French soldier under the first Napoleon, did his Certificate in, and Cross of the "Legion of Honor." Many similar instances of commendatory mention can be seen scattered throughout the "brigade order book."

As evidence of his impartial and disciplinary punishments, and of his inflexible rule to "let the chips fall where they may," I will instance the single case of Col. Thomas M. Jones, 27th Miss. Reg't, who, though a graduate of the U. S. Military Academy, and at the commencement of hostilities held the rank of 1st Lieut. in the U. S. Army, resigned his commission, and was appointed a captain in the C. S. Army; and shortly afterwards was appointed by Gen'l Bragg, then commanding at Pensacola, Fla., Colonel of a newly formed regiment, numbered and called the 27th Mississippi—was thought to be devoid of physical courage, at least was subject to the open criticism of always feigning sickness, or some other excuse, when a battle appeared imminent. Conspicuous in this respect, was his abandonment of his Reg't on the eve of the battle of Murfreesboro, and leaving the command thereof to its only remaining field officer—the gallant Lieut.-Colonel Jas. L. Autry, who fell on that bloody field.[5] So notorious was his conduct on that occasion, that on Gen'l Walthall's return to duty at Shelbyville, Tenn., intimation was given Col. Jones that his resignation would be acceptable. Accordingly, on March 26th, 1863, Colonel Jones' resignation was presented at Brigade headquarters, and was duly forwarded through the regular military channel to Army headquarters. Colonel Jones assigned ill health as incapacitating him for active field duties, and preferred to fall back on, and assume the duties incident to his commission as Captain of Ordnance in the regular (C. S. A.) Army. Walthall's indorsement on said resignation represented the utter incapacity of the applicant for command in the field, and stated without reservation, the reason why the resignation should be accepted. A similar indorsement was made by Gen'l J. Patton Anderson, comd'g the Division. It followed that the resignation was promptly accepted by the commanding general of the Army. Immediately after tendering his resignation Col. Jones left the brigade, never again to be honored with a command in the Army of Tennessee.

As evidencing the mutual confidence, esteem, and reciprocal good feeling existing between brigade commander and his regimental and company officers, I record in this connection a touching reminder never to be forgotten by the parties concerned. In the fall or winter of 1863, it was arranged by Gen'l Walthall's regimental and company officers to present him with the finest horse that could be purchased, together with equipments, consisting of saddle, bridle, and trappings to be made for the occasion. Ample means was subscribed for that purpose, and as soon as practicable thereafter, Maj. George W. Reynolds, 29th Miss., was granted leave of absence to execute this important and highly appreciated commission; and which served to cement anew the bond of affection and esteem which from the first had existed between the general and his officers. The presentation of the magnificent and deeply appreciated present, gave relief and coloring to the somber shadows of war.

Then, too, the love and esteem of those with whom we are in daily contact and pleasant association, like the love of fame or power,

"Howe'er concealed by Art,
Reigns more or less in every human heart."

and was naturally shared in by Gen'l Walthall in the retrospect of his army career.

CHAPTER 5

Retreat of Army to Chattanooga—Brigade at Atlanta—Impressment of horses for the artillery—Chickamauga Campaign—Alexander's Bridge—Battle of Chickamauga—Casualties of Brigade in—Hindman in McLemore's Cove—General Longstreet—General Polk—General W. H. T. Walker—General Liddell (St. John R.)—General Gordan Granger.

On the 24th day of June, 1863, General Rosecrans, commanding the Federal forces (Department of the Cumberland) at and near Murfreesboro, commenced a series of movements with a view of creating the impression of a main advance on Bragg's center and left in the direction of Shelbyville, where a part of Polk's Corps was encamped, whilst he would strike the decisive blow by a rapid march, in force, upon Bragg's right under Hardee; and after defeating or turning it, then to move on Tullahoma, and thereby seize upon Bragg's base and line of communications from that point.

In furtherance of that purpose, Rosecrans moved upon, and took possession of Liberty and Hoovers Gaps, and which gave him a commanding position. From thence he had only to advance—as he soon afterwards did—to Manchester and Winchester, to accomplish the flank movement on Bragg's right at Tullahoma, and thereby force him to retreat. This was at once begun via Decherd, Cowan, and thence across the mountain near Sewanee, to the Tennessee river—which was crossed on pontoons laid a short distance from and above Bridgeport—thence on to Chattanooga.

On the 26th day of July, 1863, whilst the main body of our Army was in and around Chattanooga, Walthall's Brigade was sent by rail to Atlanta, to protect that place from a threatened raid by a portion of the enemy's cavalry. It there remained in camp ("Camp Cobb") until the 23d day of August, following, when it was ordered, and in pursuance thereof, returned to the Army near Chattanooga.

During its stay in Atlanta, the Brigade had a rather novel duty assigned it by the commander of the Army. Finding it necessary to have more and better horses for his artillery, and ascertaining that there were quite a number of serviceable ones in Atlanta, General Bragg gave orders to General Walthall to proceed to impress the requisite number of such.

The latter, appreciating the absolute necessity for secrecy in his preparations for successfully executing said order, quietly had printed the necessary information in the form of a notice to the citizens; and after placing early the next morning, guards at every road and by-path leading out of Atlanta, with instructions to permit no horse to be carried out, had the printed instructions distributed broadcast throughout the city, notifying the owners of horses to bring them by a given time to a given place in the city (under a penalty for non-compliance), where they would be inspected by a board of officers named in the notice, and such as were accepted, would be appraised and duly settled for.

For several days, and until the requisite number of horses had been accepted, consternation reigned among the owners of horses in Atlanta; and every conceivable device was resorted to by them to circumvent the terms of the notice, and evade compliance therewith. Some went so far as to secrete their horses in the cellars or basements of their residences; indeed, a pair of very fine horses was found by one of the details sent out in search, secreted by a certain general (D———), in one of the rooms of his comfortable home.

The aid of Gov. Joe Brown was finally invoked by the residents affected; and he, in their behalf, protested most vigorously, but unavailingly. He even resorted to a denunciatory, yet fruitless, correspondence with the general of the Army. Nevertheless, the order was enforced, the horses secured, and

Bragg's artillery thereby put in proper condition for the campaign culminating in the battle of Chickamauga.

Returning to, and rejoining the main body of the army, the Brigade remained in the vicinity of Chattanooga, until September the 8th, when Bragg began his movements preparatory to the battle of Chickamauga. For that engagement, Walthall's and Govan's Brigades were temporarily brigaded together and composed Liddell's[6] Division, of Walker's (W. H. T.)[7] "Reserved Corps," a decided misnomer, as the record of the opening, continuance, and closing of that great and memorable battle, attests. The tactical and strategetical movements of the two opposing Armies preliminary to this great battle, were masterly. On reaching Chattanooga, Bragg strengthened the immediate position, and threw up defensive works at points along the Tennessee river as high up as Blythe's Ferry. Rosecrans however, with an effective aggregate force of 70,000 men divided into five corps under his immediate command—with Burnside advancing with a force of 25,000, from Kentucky toward Knoxville—having effected a passage of the river at various points, and seizing important mountain gaps, threatened Chattanooga by the pass over Lookout, and pressing forward through the lower passes of Lookout Mt., threatened Lafayette, and Rome and even Dalton, Ga. Thus Bragg was forced to take new position. In doing so, his movement was not, in military parlance, a retreat, but a maneuvering to meet the enemy in front, whenever and wheresoever he should emerge from the mountain gorges. Then, too, the enemy, by a direct route, was as near our main depot of supplies as we ourselves were, and our whole line of communication was exposed, whilst he was positively secured and protected by mountains and the river.

Thus it was that Bragg retired his army from Chattanooga, and put it in position from Lee & Gordan's Mills to Lafayette, on the road leading south from Chattanooga, and fronting the east slope of Lookout Mountain. In the meantime, Thomas' corps, about 8,000 strong, in the act of passing one of the gaps leading from McLemore's Cove—enclosed between Lookout and Pigeon mountains—to Alpine's in Broomtown valley, was suddenly confronted by a portion of our forces under General Hindman, who had been sent there with positive orders to attack and rout, or capture Thomas' command. For this purpose, Hindman had been given an adequate force—a force composed of his own and Buckner's Divisions consisting of 10,000 men, and Martin's cavalry, about 500—besides a force of two divisions—Cleburn's and Walker's—at least 8,000 more immediately in the enemy's front, with orders to attack as soon as Hindman's guns were heard on the flank and rear.

Though Thomas was, by the blunders of Hindman, permitted to escape, this sudden show of Bragg's strength, excited uneasiness and doubt in the mind of Rosecrans. It appeared that he could not determine whether it evinced a purpose on the part of Bragg to give battle, or, whether it was a ruse to secure a safe retreat. But, in the caution of his nature, he gave the benefit of the doubt to the first contingency, and therefore commenced a backward movement, with orders to close on the center, and directed Crittenden, at Gordon's Mills, to securely entrench. This determination and precaution was the result of information that Longstreet had been ordered to Bragg, and the further advice that Meade had been ordered to attack General Lee—at least to threaten him so as to prevent him from further reinforcing Bragg.

The disappointment, incident to the conduct of Hindman in McLemore's Cove, necessitated a change of plans and further maneuvering on the part of Bragg. And so it was, that about 1 P. M. on Friday, the 18th of September, 1863, Walthall's Brigade which was leading the advance, was formed in line of battle and drove the enemy's outlying forces, consisting of Wilder's Lightning Brigade, back across Chickamauga Creek; but the bridge (Alexander's), over which the enemy retired, was so effectually destroyed by them as to render passage of the stream at that place impracticable for our men. This condition of affairs having been reported to Maj.-Gen. Walker, commanding the corps, he ordered Walthall to move by the right flank under direction of a guide furnished him, to "Byram's Ford," about one mile below Alexander's Bridge. Followed by the other brigades of the corps, Walthall crossed the Creek at "Byram's Ford" without opposition, and then moving about a mile towards Lee & Gordon's Mills on the Vineyard road, halted and bivouacked for the night. In this preliminary engagement, the 29th Mississippi Regiment, Col. Brantley commanding, lost severely, whilst in the 34th Mississippi Regiment, Maj. Pegram commanding, the casualties were only 1 officer and 24 enlisted men, wounded. The 24th Mississippi sustained no loss, whilst the 27th and 30th Mississippi Regiments lost but slightly. The tablet now placed at Alexander's Bridge recites that Walthall's aggregate loss was something over 140 officers and men.

Moving soon after day-light next morning to a point about ¾ of a mile distant from the bivouac of the night preceding, the brigade was halted on the roadside, until about 11 o'clock A. M. Whilst resting there, some of the troops of Longstreet's Corps marched past, and feeling their supposed superior keeping as members of the "Army of Northern Va.," were disposed good naturedly to twit us, of the "Army of Tenn.," as not knowing what it was to fight and win battles, and that they had come all the way from Virginia to show us. After the battle of Chickamauga had been fought, those same troopers were free to admit their mistaken estimate of the fighting qualities of the soldiers of the "Army of Tennessee;" and equally free to concede that the federal troops from the West, under Rosecrans, were more stubborn fighters than were the Eastern troops, with whom the "Army of Northern Va." had been, till then, fighting.

At or about 11 A. M. heavy firing was heard to our right, and Walthall was ordered to put his brigade in motion and advance in line of battle to the support of Ector's and Wilson's brigades, then engaged with the enemy, and being largely outnumbered, were sorely in need of reinforcements. Walthall's brigade, with Govan's brigade on its left, moved rapidly forward in line of battle and soon encountered the enemy in strong force. This advance was made under a heavy artillery and musketry fire; but, pushing rapidly forward with a shout, it broke the first, and then a second line of the enemy, and passing over two full batteries, it captured 411 prisoners, of whom 23 were commissioned officers. The prisoners claimed to be of the 1st, 2d, 3d, 4th and 16th U. S. Infantry, and of Company "H", 5th U. S. Artillery. Among them was one 1st Lieutenant of the 4th Indiana Battery.

A large proportion of the horses of the batteries over which Walthall's brigade passed, having been either killed or disabled, it was impossible to remove the guns as they were captured.[8] Accordingly, Lieut.-Colonel Reynolds, of the 30th Mississippi, and Field-Officer of the day was with a detail from the 34th Mississippi regiment, put in charge of the captured guns with orders to move them to the rear as rapidly as practicable; but unfortunately for us, it resulted that after we had passed over the enemy's second line, re-enforcements came up from his reserve, thereby enabling him to turn our brigade right flank, and forcing us to withdraw and take position under orders from the Division Commander, to the right of the position from which Maj.-Gen. Cheatham's Division was preparing to advance. As a result, only one of the captured guns was, or could be, removed.

In the daring dash last referred to, and which continued for at least an hour, the brigade suffered heavily. Lieutenant-Colonel R. P. McKelvaine, commanding the 24th, and Lieutenant-Colonel J. B. Morgan, of the 29th Mississippi Regiments, were each severely wounded. The first named by a minnie ball penetrating the right cheek and passing out at the mouth; the last named, by a minnie ball passing through the thigh. As Col. Morgan was instantly felled from his horse, and the extent of his wound not then being known to me, I, who was on my horse near by and directing the litter-bearers as to his removal from the field, never dreamed that I would again see him alive; and yet, in the course of time, the gallant officer—like the equally gallant Colonel McKelvaine—was back at his post of duty. However, the Colonel never fully recovered from the effects of said wound, but ever after, and until the day of his death, limped in walking.

At different times during the two days fighting on the field of Chickamauga, Walthall's Brigade actively and effectively participated. Making its last advance about 5 p. m. of the evening of the second day (Sunday), it crossed the Chattanooga and Lafayette road, near the McDonald's house into an uncultivated field, when it was subjected to a terrific enfilade fire from a battery on a hill in the vicinity of Cloud's house to our right, from another concealed in a clump of bushes within 300 yards of our right, and from still another to the left of Govan, who was on the left prolongation of our brigade front.[9] Our artillery was promptly turned upon these batteries, but without apparent effect; at least, neither was silenced, nor their fire abated. Consequently, the brigades of Walthall and Govan, after enduring in an exposed position a continuous musketry and cannonade fire for about twenty minutes, were forced to fall back across the road to the position from which we had just before advanced. Being thus forced to withdraw, the enemy cut off and captured most of the skirmishers that had covered our front in the advance, and had reached and taken shelter in the woods beyond and skirting the open field—among them Col. J. J. Scales of the 30th Mississippi, who, at the time was in command of the skirmishers. Falling back to a position near where General Breckinridge was in reserve, Walthall and Govan reformed their commands, and rectifying their alignments, soon moved back near the said road, where, with immaterial changes in position, they remained until the next morning, when about eight o'clock, Walthall, as did the other commands of the corps, moved towards Chattanooga, in pursuit of the fleeing enemy.

During said battle, the Regiments of Walthall's brigade were commanded as follows:

24th Mississippi by Lt.-Col. R. P. McKelvaine, until disabled from wounds; then by Maj. W. C. Staples, until disabled from wounds; then respectively, by Capts. B. F. Toomer, and J. D. Smith—both of whom were slightly wounded.

27th Mississippi by Colonel J. A. Campbell,

29th Mississippi by W. F. Brantley.

30th Mississippi by Col. J. J. Scales. He was captured about the close of the battle. Maj. J. M. Johnson promoted Lt.-Colonel.

34th Mississippi by Maj. W. G. Pegram, until disabled from wounds; then by Captain Bowen; then by Lt.-Col. H. A. Reynolds, of the 30th Mississippi—specially assigned to the regiment by the Brig.-Gen'l Comd'g. He was killed during the fighting on the morning of the second day—Sunday. The Brig.-General in his official report of that battle, says: "No braver man or better soldier fell upon the field of Chickamauga than this faithful and accomplished officer, whose loss is deplored throughout this command." After the fall of Col. Reynolds, Capt. J. H. Bowen of Co. "I", again succeeded to the command.

Fowler's (W. H.) battery, attached to Walthall's brigade, rendered signal service throughout the engagement. During a movement of our troops on the first day of the battle, four (4) guns of this battery were posted in rear of Liddell's division, and opening fire on a battery of the enemy that was shelling our troops on the left, silenced it in a few minutes.

One section of this battery, under the command of Lieutenant Phelan (John), in an attempt to follow the brigade in a movement to General Cheatham's right—by reason of another command being mistaken for Walthall's, passed beyond its right—and was put in position where the infantry supporting it was soon forced to fall back before a superior force of the enemy. All the horses of this section of the battery being killed, or disabled, one of its guns was in consequence thereof captured, but, by the gallantry of its men, it was soon recaptured. The killed and wounded of this section of the battery, was heavy.

Out of 10 field, 134 company officers, and 1,683 enlisted men, carried in the battle by this brigade, there was lost 705—of whom 81 were killed and 624 were wounded—as is shown by the reports of the brigade and the several regimental commanders.[10]

These patent, though imperfectly narrated incidents and facts are mentioned and emphasized, in order to sustain and make good my assertion, that the corps of which Walthall's brigade was a part during the Chickamauga campaign and battle, was inappropriately termed the "reserved corps." It having opened, and actually taken part in the continuous fighting up to, and including the closing scenes of that bloody drama, entitles it to the designation of—if names imply anything—the "advanced corps."

As understood by knowing ones, the necessity for fighting the battle of Chickamauga would never have been forced upon General Bragg, had General Hindman done his duty in McLemore's Cove, a few days previous. For, pursuant to an understanding between himself and General Hindman, the former moved with two divisions up the mountain near Lafayette, and there awaited the expected sound of Hindman's guns in the Cove in his front. But the guns of Hindman were not heard as hoped by Bragg; consequently, the "golden opportunity of bagging that portion of the enemy under Thomas," as tritely remarked by Governor Isham G. Harris, of Tennessee, (then a volunteer-aid on General Bragg's Staff) was lost to us; and the battle which soon followed, became a necessity. For this blunder, or failure of Hindman's, he was soon after relieved of command and "charges and specifications" were preferred against him by General Bragg.[11] Whereupon General Hindman requested a "court of inquiry," but before the request was finally acted upon General Bragg addressed a communication to the President, stating in substance that after the President's action in the case of Lieutenant-General Polk, who had likewise been suspended from command for "disobedience of the lawful command of his superior officer on the field of Chickamauga," with charges and specifications pending, he, Bragg, felt it a duty to request similar action towards Major-General Hindman. Accordingly, the President indorsed on said communication an order for Hindman to report for duty, and on reporting, he was assigned to the command of Wither's old division.[12] Later and during the Atlanta campaign, he was transferred to the Trans-Mississippi department, in which he served till the close of the war.

It may be proper to state here, that though most of Longstreet's soldiers from Virginia arrived on the field in time to participate in the battle of the first (19th) day, the General did not arrive until after nightfall of the first day; and it was then that General Bragg assembled his corps and division commanders at his headquarters, and when he divided his army into wings—the right under the command of General Polk, and the left wing under the command of General Longstreet.

The battle from its inception to its close, was furious; but, had the orders of General Bragg to General Polk given on the night of the 19th to move on the enemy at daylight the next morning—the remainder of the army to await his advance and to move forward when he (Polk) had become engaged—been obeyed, it is believed that the results of that battle, glorious and welcomed as they were, would have been more glorious; but as it resulted, the anxious anticipations of the morning's first gun had to be indulged until the humored delay reached long past the morning's sunrise. For this faltering, if not open disobedience of orders, General Polk was, a few days later, suspended from command of his corps, and "charges and specifications" were preferred by General Bragg against him.[13] And though afterwards reinstated by the President, General Polk was assigned to a new field of duty, namely, to command the "Army of the Mississippi" with headquarters then in the State of Mississippi. During the "Atlanta campaign," that army was ordered to move to North Georgia, and unite with the "Army of Tennessee." It joined the latter army at Resacca. Later, on June 13th, 1864, during said campaign, General Polk was shot through and instantly killed by a cannon ball fired from the enemy's battery at a cluster of officers headed by Generals Johnston, Hardee and Polk, whilst in observation on "Pine Mountain," near Marietta, Ga.

General Bragg in referring to this delay in the movement of Polk's corps on the morning of the 20th, comments thus: "It was nine o'clock before I got him (Polk) into position, and about ten before the attack was made—*five precious hours* in which our independence might have been won."[14]

CHAPTER 6

Pursuit of enemy, and taking position on Lookout Mt. and Missionary Ridge.—Battle of Lookout Mt.—Battle of Missionary Ridge.—Hostile correspondence between Generals J. K. Jackson and E. C. Walthall.

Finding on the morning of the 21st, that failing, by reason of Polk's delay in renewing the attack—as ordered—on the morning of the day previous, to cut off the enemy's probable retreat into his stronghold at Chattanooga, General Bragg was left the only alternative of moving forward in pursuit. In this movement, he was preceded by General Forest and his troopers who sorely pressed and harrassed the retreating foe up to the time they reached shelter within the fortifications at Chattanooga.

General Bragg deeming it advisable to adopt a policy which would reduce the enemy by starvation, into a surrender, rather than hazard an open attack upon his fortified position; or, even pursue the plan suggested by General Beauregard, viz., to cross the Tennessee river and march direct to the Ohio river—which last would have exposed our rear, and placed our communications at the mercy of the enemy—took position on Missionary Ridge, Lookout Mountain, and the intervening ground, and commenced fortifying. By so doing, all the passes of Lookout Mountain which had been in possession of the enemy since our abandonment of Chattanooga during the month previous, and which covered the enemy's line of communication and supplies with, and from, Bridgeport, were regained by us.

For the purposes of the campaign adopted by General Bragg, viz., to starve the enemy, who had been, or was soon to be, effectually cut off from his base of supplies, and which came nigh proving a brilliant success, the reader is referred to the report of General Bragg, in "War of the Rebellion," Serial No. 51, pgs. 21, 23, 25, and 26. Also to his letter in the Appendix "D."

To cut off the enemy's supplies and force him, if possible, to evacuate Chattanooga, Wheeler with his cavalry, was ordered to cross the Tennessee river and destroy a large wagon train known to be in the Sequahatchie Valley on its way to Rosecrans. This was accomplished by Wheeler, together with capturing McMinnville, and other places on the railroad, and then making his retreat out of Tennessee by fording the river at Decatur, Ala., and thus almost completely cutting off the supplies for Rosecrans' army.

As Bragg occupied the entire south side of the river from Lookout Mt. to Bridgeport; and further, as the latter place, with Stevenson, was supplied from depots at Nashville, and Louisville by a single railroad, and the wagon road on the north side of river being rendered unsafe by the unerring fire of our sharpshooters, Rosecrans was reduced to the necessity of hauling his supplies a distance of sixty miles over mountain roads, and thereby reducing him to an almost starving condition. And this condition would have resulted in the forced surrender of Rosecrans, had not General Grant with large reinforcements in the meantime arrived at Chattanooga and assumed command of the federal troops there—supplemented by the additional fact, that Longstreet with his corps had just before been detached by order of the President, to operate against Burnside at Knoxville.

Whilst this was happening, Bragg's infantry was disposed along the commanding heights in front of Chattanooga—Walthall being in postioin on Missionary Ridge.

On the 8th day of October, 1863, and whilst we were occupying the above designated position, a reorganization of the Army of the Tennessee was announced and effected. Whereupon, the Regiments of Walthall's brigade, by reason of reduced numbers resulting from its casualties in the battle of Chickamauga, were subjected to a temporary consolidation, as follows: The 24th and 27th, under command of Col. J. A. Campbell; the 29th and 30th, under command of Col. W. F. Brantley; the 34th under command of its colonel (Samuel Benton) remained intact. Thus organized it constituted the 2nd brigade, of Hindman's division (Hindman being then in arrest for alleged misconduct in McLemore's Cove, the division was commanded by Brig. Gen. J. Patton Anderson). This temporary organization, as will be noted further on, lasted only a short time, and the regiments resumed their original autonomy prior to the battles on the 24th and 25th of November following. Fowler's battery, commanded by Captain W. H. Fowler, continued with the brigade during said time, in fact, it remained as a part of the brigade to the close of the war.

The uniform monotony of the next six weeks was occasionally relieved by night attacks as feelers of the enemy, and which feints now and then appeared as though they would prove precursors of a general engagement. Finally, Hooker with his corps of fresh troops from the "Army of the Potomac," having joined Grant, and by reason of Longstreet's alleged disobedience of orders, by interposing only one, instead of two brigades —as ordered by General Bragg to do[15]—effected the crossing of the Tennessee river opposite the north side of the ridge just below the mouth of Lookout creek, Walthall's brigade was hastened to Lookout Mountain to the support of the Confederate forces then there under Major-General Stevenson and occupying position on top of the Mountain. Walthall's brigade took position under orders on the west side of Lookout and near the northern slope, with his pickets in line extending along Lookout creek from the turnpike bridge near its mouth to the railroad bridge across it, and thence up the mountain side to the cliff.

But Hooker having gained a foothold and lodgment just across the creek at the base of the mountain side, early in the morning of November 24th, and whilst Grant was deploying a heavy force in Bragg's immediate front, made his successful attack on our troops on the mountain side; and after fighting during the entire evening of the 24th, and until a late hour that night, succeeded in capturing Lookout Mountain, and thereby placing himself in direct communication with Thomas' right in Chattanooga. But, this was not accomplished, until Hooker had battled long and hotly, first with Walthall, and later with Walthall, reenforced by Pettus' and Moore's brigades—and strange to say, unaided by the other brigades on the mountain top under command of Major-General Stevenson, and whose duty it was to assist in repelling Hooker.

On withdrawing from the mountain side, Walthall moved under orders to McFarland Springs, where his brigade bivouacked for the remainder of the night, and from whence it moved the next morning and took position on Missionary Ridge.

Had it not been for the conduct of Brigadier-General J. K. Jackson, then in command of an improvised division composed for the emergency of Walthall's, Moore's and Pettus' brigades, Hooker in all probability, would have been unsuccessful.[16]

For the gallant and heroic defense made by Walthall's brigade whilst occupying the mountain side up which the enemy's infantry in overwhelming numbers came, assisted by batteries at Moccasin-bend, alike with batteries brought over with them and placed in position on a ridge beyond Lookout creek, is best told in General Walthall's graphically detailed report of that battle. The facts as shown, disprove the Northern war poet's (George H. Boker) colored statements, and dissipates into thin air the seeming Homeric beauties of sentiment claimed for his battle "Above the Clouds," and wherein he poetises with undue license, thus:[17]

"Give me but two brigades, said Hooker, frowning at fortified Lookout,
And I'll engage to sweep yond mountain clear of that mocking rebel rou't,
At early morning came an order that set the general's face aglow:
"Now," said he to his staff, draw out my soldiers,
"Grant says that I may go!"

* * * * * * *

The lower works were carried at one onset, like a vast roaring sea
Of steel and fire, our soldiers from the trenches swept out the enemy:
And we could see the gray-coats swarming up from the mountain's leafy base,
To join their comrades in the higher fastnesses—for life or death the race!"

* * * * * * *

The truth is, had General Walthall received the asked for reenforcements of his division commander, there could be no question but that his, Moore's and Pettus' brigades, would have driven Hooker back, and have held the mountain side. The attacking force under Hooker consisted of Greary's division, and two brigades of another army corps, and were at first confronted by only a part of Walthall's brigade, and until late in the day when it was supported by Pettus' and Moore's brigades.

General Bragg says in his official report of this engagement:

> "A very heavy force soon advanced to the assault and was met by one brigade—Walthall's—which made a desperate resistance, but was finally compelled to yield ground. Why this command was not sustained, is yet unexplained. The commander on that part of the field—Maj.-Gen'l Stevenson[18]—had six brigades at his disposal. Upon his urgent appeal another brigade was dispatched in the afternoon to his support, though it appeared his own forces had not been brought into action, and I proceeded to the scene."

General Walthall says in his official report of that engagement:

> "At no time during this prolonged struggle, whose object was to prevent the occupation by the enemy, first of the important point near the Craven house, and afterwards, the only road down the mountain leading from Major-General Stevenson's Division to the main body of the army, did I have the benefit of my division commander's personal presence. After I was relieved and while awaiting orders to move, I saw him for the first time coming down the mountain on his way, as he told me, to see the general-in-chief."

The division commander referred to by Walthall, was Brigadier-General J. K. Jackson of Georgia, then in temporary command of a division, and dubbed "Mudwall,"[19] in contradistinction to the great "Stonewall," of the army of Northern Virginia. It was to "Mudwall" that Walthall, during the engagement, vainly sent staff officer after staff officer, as likewise couriers, in search of, and of whom the report was in each instance made, that the division commander could not be found, nor his headquarters located.

Immediately after the engagement these facts were openly commented upon by officers and men cognizant of them. Generals Walthall, Pettus, and Moore, the last two commanding Alabama brigades, and who like Walthall vainly endeavored during the engagement to communicate with Jackson, severally called attention in their official reports of that engagement to the fact of their inability to thus communicate.[20]

On the appearance of these reports, made in December following, and the return to duty of General Walthall from Atlanta, where he had been confined with the wound received in the fight of the 25th previous on Missionary Ridge, a bellicose correspondence, inaugurated by Jackson, began between the two generals—the same being conducted on the part of Jackson by Major-General W. H. T. Walker, and on the part of Walthall by Colonel John B. Sale.[21] For a time, it was believed by those cognizant of the correspondence, and interested in the outcome, that the "code duello" would be appealed to; but, on investigation, the truth of the representations contained in the reports was recognized by the friends of Jackson to be susceptible of being established by convincing proof, and hence it was deemed advisable by Jackson's friends, especially by General Walker,—who at first demanded of Jackson, that he "Call them out, sir! Call them out!" meaning challenge the three generals in turn[22]—to let the matter drop where it had been taken up.

In the battle of Lookout, the regiments of Walthall's brigade were commanded as follows:

The 24th Mississippi by Col. W. F. Dowd.

The 27th Mississippi by Col. J. A. Campbell. This officer having been captured in the early part of the engagement, the command of the Regiment devolved upon Lieutenant-Colonel A. J. Jones. Colonel Campbell died whilst a prisoner of war.

The 29th Mississippi, by Col. W. F. Brantley.

The 30th Mississippi, by Maj. J. M. Johnson.

The 34th Mississippi, by Col. Sam'l Benton.

The field officers of this brigade who were especially commended by their immediate commander in his report for their conspicuous bravery, zeal and co-operation were, Col. W. F. Brantley, of the 29th, and Lieutenant-Colonel R. P. McKelvaine, of the 24th Mississippi regiments.

But it was reserved for the day following—the 25th of November, 1863—for Walthall to display a mastery in the art of military tactics, and for which, be it said to the discredit of his incomparable corps commander Lieutenant-General Hardee—he did not get credit in official reports. Strange, and only to be accounted for as due to a weakness in Hardee's character, he was not content with his numerous, well earned, and brilliant laurels, but was ever grasping after others, even to the detriment or injury of deserving subordinates—unless those subordinates were in his permanent corps and under his immediate command.

It was not until long after the official report of General Bragg was prepared, that a copy of it accidentally fell into the hands of General Walthall, when he discovered the injustice, so stinging to military pride, that General Hardee had done him by claiming in his report to General Bragg, the credit of the Napoleonic move that saved a portion of Hardee's corps from capture in the battle of Missionary Ridge.[23] The movement alluded to is referred to in General Bragg's official report in these words, and evidently as reported to him by General Hardee:

> "Lieutenant-General Hardee, leaving Major-General Cleburn in command of the extreme right, moved towards the left when he heard the heavy firing in that direction. He reached the right of Anderson's division[24] just in time to find that it had nearly all fallen back, commencing on its right where the enemy had first crowned the Ridge. By a prompt and judicious movement he threw a portion of Cheatham's division directly across the Ridge facing the enemy who was now moving in strong

force immediately on his left flank. By a decided stand here the enemy was entirely checked and that portion of our force to the right remained intact."

Now, the facts, as claimed by General Walthall, of that change of front under fire, were these—and will be seen to be in part true as reported above; but in their essential features, and just where the honor and credit is claimed by General Hardee, the report is lacking in the elements of correctness or fairness. That portion of Cheatham's division thrown "directly across the Ridge facing the enemy," and which "enabled the force on the right to remain intact," was Walthall's brigade; but General Hardee had nothing to do with throwing it in that position. He was merely a looker-on whilst the movement was being made, and doubtless approved, at the time as he afterwards, in his official report, commended it. General Walthall made the movement by General Cheatham's permission, and in his presence, and as he generously, but incorrectly says in his report, "by direction—'instead of by permission'—of General Cheatham, the major-general commanding."[25]

Walthall feeling that to thus pluck victory from the jaws of defeat would be worth the cost of a supreme effort, conceived—as by inspiration—the idea, and in the presence, and with the approval of his division commander, executed the movement, and he alone is entitled to the credit of its success; though in his generosity, he was willing to share the credit with his division commander—Major-General B. F. Cheatham. In a correspondence with the latter some years subsequent to the close of the war, General Cheatham says, the inception and execution of said movement was due only to Walthall.

The movement was occasioned in this wise—as General Walthall always claimed, and was proud to repeat. When the troops to Cheatham's left were driven back, that officer took two of his three brigades and endeavored to regain the lost ground—leaving Walthall's, it being his right brigade—in the line. The two brigades thus taken and moved forward under orders of General Cheatham, were soon driven back and retired down the Ridge in the direction of Chickamauga station.[26] It was then that Walthall realizing the desperate situation, as if by the inspiration of genius, threw his brigade "across the Ridge," and thereby checked the advancing enemy, and "preserving intact our force to the right." This change of front made under a heavy fire of the enemy advancing along the crest of the Ridge, was peculiarly brilliant and creditable to Walthall. The fire between him and the enemy was kept up until after dark, and the position was held by Walthall until after dark and until 8:45 o'clock p. m.—at which hour General Cheatham ordered the brigade to withdraw to Chickamauga Station, by way of the railroad bridge.

Leaving a line of skirmishers under command of Captain G. W. Reynolds of the 29th Mississippi, in front of the position just abandoned by the brigade and about midway between it and the position held by the enemy, the brigade was withdrawn in good order to the place indicated. During its withdrawal, Captain Reynolds, a brave, reliable, and in every respect an accomplished officer, and who commanded the absolute confidence and esteem of his brigade commander, covered and gallantly protected its rear.

In making the change of front referred to, General Walthall received a painful wound caused by a minnie-ball passing through his foot; but, like Colonel Jefferson Davis, at the battle of Buena Vista, he remained in the saddle during the entire action, and did not surrender the command of his brigade until after it reached the railroad station as ordered. Then and there, General Bragg came to Walthall's headquarters and advised that he go at once to Atlanta for treatment. Walthall remained in Atlanta under treatment for about eight weeks, and after his return to the brigade he was required to use crutches fully four weeks before entirely recovering from the effects of said wound.

As the brigade had suffered heavily at Lookout Mountain the day previous, Walthall, in speaking to his staff and others about this change of front on Missionary Ridge so gallantly accomplished under a galling fire of small arms, and under the spur, or rather inspiration of the moment, rightly considered it one of, if not the most creditable performance of its acknowledged brilliant record. And certainly a performance so beneficial in its results, should be credited where it belongs; at least Mississippians should be advised of the fact, and see to it that it is so credited.

In substantiation of all I have said as to this "change of front," and of what General Walthall, in the *abandon* of camp life so frequently referred to, I have in my possession a letter from General Cheatham written to General Walthall since the war, wherein he says:

> "My recollection of the affair of Missionary Ridge is nearly identical with the account detailed by you in your official report of that engagement, under date of December 15th, 1863." Further writing he says: "I don't recollect ever seeing Gen'l Bragg's or Gen'l Hardee's reports of that engagement."[27]

Commenting on the capture of Missionary Ridge, it is conceded that the victory was as great for the enemy as the blow was severe to us. For days previous, and to the moment of the happening of this unlooked for and unaccountable disaster, it was surmised and confidently believed by General Bragg that the enemy was at the point of starvation, and ultimately would have to surrender, or retire northward in a disorganized condition. But, as it resulted, the enemy instead of surrendering or retreating, was largely reinforced, and by armies flush with recent victories, and giving us battle, won the day. It was a desperate alternative to Grant, and was by him with Spartan courage and "bull-dog" tenacity, equally desperately accepted.

Grant succeeded, and tested by the measure of military estimates, was justly entitled to wear the plume and enjoy the honors of victory. The aphorism of Tallyrand, "nothing succeeds like success," is as applicable to military results, as to the undertakings of individual enterprises.

Whether or not General Grant won by superior forces, or by superior military skill, it was none the less a victory that made for its conquering hero a name in the military annals of this country—as elsewhere—second only to that of the immortal Robert E. Lee; and a victory which secured for him the high, and then exalted rank, first, of Lieutenant-General, next General of the Army, and finally, President, for two terms, of the United States.

CHAPTER 7

Army of Tennessee retreats to, and goes into winter quarters at Dalton, Ga.—Bragg asked to be relieved of command. —Sketch of General Bragg.—Generals Hardee and Johnston in command.—Hon. B. H. Hill.—Cleburn's repulse of Hooker at Ringold Gap.—Reflections as to General Cleburn's plan to arm and make soldiers of certain slaves.—Correspondence of Government Officials and military officers as to.—What the Confederate Congress finally did as to making soldiers of certain slaves.

"The Army of Tennessee" fell back and went into winter-quarters at Dalton, Ga.

General Bragg, realizing that some of his officers were dissatisfied with, and were disposed to criticise his military operations as also his fitness to command, soon after getting the army in position at Dalton, patriotically requested the President to relieve him of its command, and his consequent embarrassment—"an army whose fortunes he had followed, and whose fate he had shared through the trying vicissitudes of more than two years of active operations."[28]

On General Bragg's retirement from the command of the Army of Tennessee—an event Lee deplored—the command of the army temporarily devolved upon Lieutenant-General Hardee, who was in a short time superseded by General Joseph E. Johnston, assigned as its permanent commander.[29]

General Braxton Bragg was born in Warrenton, N. C., on the 21st day of March, 1817, and was the son of Thos. Bragg, a member of a very distinguished family of that state. He graduated from West Point (U. S. Military Academy) in 1837, and was among the distinguished five of his class. On graduating, he was appointed 2nd lieutenant in the 3rd artillery, United States army.

In December 1837 he was adjutant of his regiment; in July following (1838) was made 1st lieutenant.

He first saw military service in the Seminole War in Florida, serving under Colonel Zachary Taylor. At the close of that war he was stationed at Fort Moultrie, South Carolina.

On the breaking out of the War with Mexico, he was ordered to Corpus Christi to join his old commander, General Taylor. He distinguished himself in the defense of Fort Brown May 9, 1846, for which he was brevetted a captain, which rank he attained in full in June following; fought gallantly at Monterey in September and was brevetted a major; and again at Buena Vista, where he won marked distinction, and was brevetted a lieutenant-colonel. In his report of the latter battle, General Taylor spoke of the skillful handling by Bragg of his artillery, and gave him the proud distinction and credit of saving the day on the field. *"A little more grape, Captain Bragg,"* became the slogan of the war.

March 3, 1855, he was appointed major of the 1st cavalry, but declined, and resigned from service, January 3rd, 1856. Thenceforth until the commencement of the Civil War, he and his wife—*nee* Miss Eliza B. Ellis, who intermarried June 7, 1849—resided on their extensive planting estate in Lafourach Parish, La.

On the organization of the Confederate States government he was appointed brigadier-general and assigned to duty at Pensacola. He remained in command there until February 1862—having been in the meantime promoted to be a major-general.

Moving his command of 17,500 troops (the finest and best disciplined body of troops the Confederacy ever had) from Pensacola by rail *via* Montgomery, Atlanta, Chattanooga and Huntsville, to the vicinity of Corinth, and from Mobile, *via* the M. & O. R. R. Co., to the vicinity of Jackson, Tenn., at which place he established his headquarters on March 6, 1862, he awaited the concentration by General Albert Sidney Johnston of his troops preparatory to the battle of Shiloh. In that battle General Bragg bore an important and conspicuous part. He was promoted to the rank of general vice General A. S. Johnston killed in action on that field and on the withdrawal of General Beauregard from the command of the department in May following, succeeded him in that post. In July he moved his army by rail from Tupelo via Mobile, Montgomery and Atlanta to Chattanooga, and in August successfully turned General Buell's left flank, and passing through East Tennessee, entered Kentucky at the head of his own and Kirby Smith's forces—starting from the two distant points of Chattanooga moving via Glasgow, and from Knoxville via Cumberland Gap and Richmond. But Buell, leaving his posts in North Alabama and moving on a much shorter line, succeeded in reaching Louisville before Bragg, and the latter was compelled to retire after fighting the battle of Perryville, October 8, 1862. The only fruits of this campaign were abundant necessary supplies for the Confederacy.

In December–January ('62 and '63) following, Bragg fought the indecisive battle of Murfreesboro; and in September, (19 and 20) 1863, he fought and won the memorable battle of Chickamauga.

The battles of Lookout Mountain and Missionary Ridge proving disastrous to our arms, and General Bragg realizing that his usefulness with the Army of Tennessee had been seriously impaired—if not destroyed—asked the President to relieve him from its command. This being done, he was forthwith appointed "military adviser" of President Davis and assigned to duty at the seat of government at Richmond.

After the surrender General Bragg returned to New Orleans—his fine plantation home having been confiscated by the U. S. Government—and subsequently went to Texas as inspector of railways. Parts of 1872 and '73 he was in charge of the engineering department of the harbor at Mobile, Ala.

He died at Galveston, Texas, September 27, 1876, of paralysis of the brain, at the age of 58 years and 8 months. He was buried at Mobile, Ala., where his older brother, Judge John Bragg, resided.

Thomas Bragg, the late ex-Governor of North Carolina, and who succeeded Judah P. Benjamin as attorney general of the Confederacy, was also his brother.

Mrs. Eliza B. Bragg, his widow, yet survives him in virtual retirement, save as to her manifest interest in all that pertains to the Confederate soldier and his dead cause.

Tall and stately, with the gracious, elegant manners of the old South, this distinguished lady is the living, breathing personification of a great and noble epoch that has passed away. And her presence as an honored guest at the recurring reunions of Confederates in New Orleans, give inspiration to the notable occasions. She resides, and has been living since the death of her distinguished husband, in New Orleans with her brother, Major W. C. Ellis. There was never issue of marriage of General and Mrs. Bragg.

In his matchless address before the Georgia Branch of the Southern Historical Society at Atlanta, Ga., February 18th, 1874, the late Hon. B. H. Hill of Georgia, rehearsed the substance of a conversation occurring in Richmond between himself and General Lee soon after General Bragg ceased to command the Army of Tennessee—"an event Lee deplored," the Senator said.

Referring to newspaper criticism of commanders in the field, and which greatly contributed to Bragg's retirement from active command, General Lee remarked that, "We made a great mistake, Mr. Hill, in the beginning of our struggle, and I fear, in spite of all we can do, it will prove to be a fatal mistake." On being asked by Mr. Hill what mistake he referred to, the general replied:

> "Why, sir, in the beginning, we appointed all our worst generals to command the armies, and all our best generals to edit the newspapers. As you know, I have planned some campaigns and quite a number of battles. I have given the work all the care and thought I could, and sometimes when my plans were completed, as far as I could see, they seemed to be perfect. But, when I have fought them through, I have discovered defects, and occasionally wondered I did not see some of the defects in advance. When it was over I found by reading a newspaper,

that these best editor generals saw all the defects plainly from the start. Unfortunately, they did not communicate their knowledge to me until it was too late."

I am frank to acknowledge myself an admirer of the character, discipline and military genius of General Bragg; and I know that many of his old soldiers share in this admiration. I believe if we had had more officers like him, and they had been properly supported by their subordinates, the result of our cause would have been different.

General Bragg believed, and rightly, that officers of rank alike with subalterns and common soldiers, should be held to strict account for their conduct, and that retributive justice should be administered to each and all alike. The same policy always characterized the military discipline of the immortal Stonewall Jackson; and the latter's unparalleled success in arms, coupled with his Cromwellian character and ready promptness to punish insubordination, or resent interference on the part of superiors, alone saved him from being emasculated or removed at the insistence of disgruntled or carping officers who had suffered merited, or supposed rebuke at his hands; or by the hasty and inconsiderate encouragement of the insubordination of inferiors, and of interference with responsibilities of commanders in the field. Notably, in January, 1862, on the occasion of General Loring being ordered by the secretary of war—without consultation with Jackson—back from Rommey to Winchester, because of complaint made by Loring and his officers. Whereupon Jackson promptly wrote out and forwarded his resignation, and only consented to its withdrawal upon due apology made him by the war department, and the explicit assurance that his military plans and operations were not to be interfered with by higher authority without consultation with him.

Returning to the retreat from Missionary Ridge to Dalton, it is appropriate for me to record an excerpt from the letter of General Bragg to the author, under date of February 8th, 1873, in words as follows:

"The enemy could make but a feeble pursuit, for want of artillery horses." In support of this assertion he refers to General Grant's report. Continuing his comments, he says: "At the mountain gorge near Ringold, I believed he could be successfully repulsed, and the army quickly withdrawn. General Cleburn, one of the best and truest soldiers in our cause, was placed at that point in command of the rear guard. Late at night, hours after all the army was at rest, my information being all in, I called for a reliable, confidential staff officer, and gave him verbal directions to ride immediately to Cleburn, about three (3) miles in my rear, at this mountain gorge, *and give him my positive orders to hold his position up to a named hour the next day,* and if attacked, to defend the pass at every hazard. The message was delivered at Cleburn's camp fire; he heard it with surprise and expressed his apprehension that it would result in the loss of his command, as his information differed from mine and he believed the enemy would turn his position and cut him off. 'But,' said he, true soldier as he was, 'I always obey orders, and only ask as a protection, in case of disaster, that you put the order in writing.' This was done as soon as materials could be found, and the staff officer returned and reported the result of his mission. He had not reached me, however, before the attack *in front,* as I expected was made. Cleburn gallantly met it, defeated the enemy under Hooker, drove him back, and then quietly followed the army without further molestation. Mark the difference (comparing him with certain officers named in his letter) in conduct and results. A good soldier, by obedience, without substituting his own crude notions, defeats the enemy and saves an army from disaster. And mark the credit he gets for it. The Confederate Congress passed a vote of thanks to the gallant Cleburn and his command for saving Bragg's army. Not to this day has it ever been known that he did it in obedience to orders and against his judgment—which, however, does not detract from, but rather adds to his fame. Captain Samuel A. Harris, assistant adjutant general, of Montgomery, Alabama, was the staff officer who delivered the order. He is now an Episcopal clergyman, with the largest congregation in New Orleans, and has recently repeated the whole matter to me as distinctly as if it had occurred yesterday."

The entire army recognized the gallantry, devotion, and military prowess of Cleburn, and for a year prior, and up to the day of his death, officers and men were anxiously expecting his promotion to the grade of lieutenant general, and few, very few knew why he was not so commissioned. But the record which I now give will explain.

On page 296 of "Advance and Retreats," General Hood, referring to General Cleburn's radical, or at least, advanced views, says: "He was a man of equally quick perception and strong character, and was, especially in one respect, in advance of our people. He possessed the boldness and the wisdom to earnestly advocate, at an early period of the war, the freedom of the negro and the enrollment of the young and able-bodied men of that race. This stroke of policy and additional source of strength to our armies, would, in my opinion, have given us our independence."

Now, whilst it is true as a part of the history of those trying yet, desperate times, that General Johnston, as also his corps and division commanders (two of the latter, with scorn and emphasis) repudiated and rejected the suggestion advocated by Cleburn in the secret counsel assembled at General Johnston's headquarters at Dalton, Ga., January 2d, 1864, as did also, the President and secretary of war, as soon as informed; yet, later on, and when too late, the Confederate congress, and officials—civic and military—notably, General Robert E. Lee, advocated in a modified form the enlistment of slaves, and ultimately passed a bill in congress, to fill the ranks by arming the negroes. Said bill was first passed by the lower house of the Confederate congress, but on its reaching the senate it was considered and defeated. However, upon a reconsideration brought about by the insistence of the Virginia legislature, as expressed in its resolutions of February 16th, 1865, her two U. S. senators (Hons. R. M. T. Hunter and Allen T. Carperton) were induced to change their votes, and thereupon the bill was passed and became a law. As passed, the bill made no change in the relation of owners of slaves, but authorized the general-in-chief (Robert E. Lee) to employ twenty-five (25) per cent of all able-bodied males between the ages of eighteen and twenty-five years, in military service, in whatsoever capacity he might direct. They were to receive the same pay, rations and clothing, as other troops. At this time (February–March, 1865) public opinion in favor of the measure had become almost unanimous both among civilians and soldiers.

Now, the chief difference contemplated in the organization and morale of the slaves was radically marked in the plan adopted by congress, as compared to the suggestions made and ably advocated by General Cleburn, and embodied in a well considered and prepared written paper read by him at the council of officers heretofore mentioned. The act of congress contemplated organizations of negroes under command of white officers. Cleburn's plan contemplated the commingling of the races by placing them in alternate files, in the same companies—insisting that such would give the proper morale necessary to make good soldiers of the slaves, overlooking as he did the absolutely ruinous effect such would have upon their white comrades. Therein consisted the grave and insuperable objection to Cleburn's plan—a plan which cost him promotion, yea, ever after kept him from attaining his just and well merited deserts—a lieutenant generalship.

The correctness of the foregoing statement and reflections is reenforced by the following correspondence bearing upon the subject, and now on file in the war department at Washington. The correspondence explains how and on what occasion General Cleburn made the proposition referred to, and how it was received.

The Western Confederate army lay at Dalton, Ga., during the winter of 1863–4, which preceded the Atlanta campaign. From Dalton, General Patton Anderson wrote General Leonidas Polk, as follows:

(Confidential)

DALTON, Ga., Jan. 14, 1864.

TO LIEUTENANT GENERAL L. POLK,
Enterprise, Miss.

General: After you have read what I am about to disclose to you I hope you will not think I have assumed any unwarrantable intimacy in marking this communication as "confidential." My thoughts for ten days past have been so oppressed with the weight of the subject as to arouse in my mind the most painful apprehensions of future results, and have caused me to cast about for a friend of clear head, ripe judgment and pure patriotism with whom to confer and take counsel. My choice has fallen upon you, sir, and I proceed at once to lay the matter before you.

On January 2d I received a circular order from the headquarters of Hindman's corps informing me that the commanding general of the army desired division commanders to meet him at his quarters at seven o'clock that evening.

At the hour designated I was at the appointed place. I met in the room General Johnston, Lieutenant General Hardee, Major Generals Walker, Stewart and Stevenson, and in a few moments afterward Major Generals Hindman and Cleburn entered, Brigadier General Bate coming in a few minutes later. The whole, with the general commanding, embracing all the corps and division commanders (infantry) of this army, except Major General Cheatham, who was not present. In a few minutes General Johnston requested Lieutenant General Hardee to explain the object of the meeting, which he did by stating that Major General Cleburn had prepared with great care a paper on an important subject addressed to the officers of this army, and he proposed that it now be read.

General Cleburn proceeded to read an elaborate article on the subject of our past disasters, present condition and inevitable future ruin unless an entire change of policy might avert it.

That change he boldly and proudly proposed to effect by emancipating our slaves and putting muskets in the hands of all of them capable of bearing arms, thus securing them to us as allies and equals, and insuring a superiority of numbers over our enemies, &c.

Yes, sir, this plain, but in my view monstrous, proposition was calmly submitted to the generals of this army for their sanction and adoption, with the avowed purpose of carrying it to the rank and file.

I will not attempt to describe my feelings on being confronted by a project so startling in its character—may I say, so revolting to Southern sentiment, Southern pride and Southern honor?

And not the least painful of the emotions awakened by it was the consciousness which forced itself upon me that it met with favor from others besides the author in high station then present. You have a place, General, in the Southern heart perhaps not less exalted than that you occupy in her army. No one knows better than yourself all the hidden powers and secret springs which move the great moral machinery of the South. You know whence she derived that force which three years ago impelled her to the separation and has since that time to this present hour enabled her to lay all she has, even the blood of her best sons, upon the altar of independence, and do you believe that that South will now listen to the voices of those who would ask her to stultify herself by entertaining a proposition which heretofore our insolent foes themselves have not even dared to make in terms so bold and undisguised?

What are we to do? If this thing is once openly proposed to the army the total disintegration of that army will follow in a fortnight, and yet to speak and work in opposition to it is an agitation of the question scarcely less to be dreaded at this time and brings down the universal indignation of the Southern people and the Southern soldiers upon the head of at least one of our bravest and most accomplished officers. Then, I repeat, what is to be done?

What relief it would afford me to talk to you about this matter, but as that may not be, do I go too far in asking you to write me?

I start in a few days to go to my home in Monticello, Fla., where I expect to spend twenty days with my family, and I assure you, General, it would add much to the enjoyment of my visit if you would favor me by mail with some of the many thoughts which this subject will arouse in your mind.

Believe me, General, very truly your friend,

(Sg) PATTON ANDERSON.

General Cleburn's proposition received such a rebuff that he destroyed his own copy of the paper he read in advocacy of it; and the copy of it sent to Richmond, has not been found among the captured Confederate records. However, its main features are to be seen in the following summary of its points preserved by Major Charles S. Hill, the accomplished statistician of the state department, who was with Cleburn's chief of artillery at the time the memorial was prepared. The memorial was lengthy, and each point was carefully elaborated. It urged on the Confederate congress the emancipation of all slaves and their conscription into the army. The reasons given therefor were:

First—Such a course would relieve the Southern people of a yearly tax, an unproductive consumption, because the slave consumed more than his profit, thus distinguishing the profit of the negro from the profit on cotton.

Second—It would animate the undying gratitude of that race.

Third—It would create in the negro a greater self-respect and ambition.

Fourth—With gratitude and ambition the service of the soldier would be both reliable and valuable.

Fifth—That the moral effect throughout the world, but especially Europe, would be generally strengthening and beneficial to the South.

Sixth—That the result would be the signal for immediate European recognition, and indeed, action. Germany and Italy would have been disarmed of their prejudice. Napoleon would have instantly been encouraged to become a Lafayette, and Great Britain would not have been afraid to back him in parliamentary declaration, no matter how the working classes would have felt.

Seventh—That it would raise the blockade and give us provisions and clothing.

As the officers assembled at the reading of said memorial were enjoined to secrecy, Cleburn's proposition was kept a profound secret, save at certain points where it accidentally leaked out, under a like band of secrecy. As was to be expected, the memorial alarmed the angered Confederate authorities, and they apprehended that if it should become known among the rank and file of the army it would cause trouble.

The following letters concerning it show how it was received:

CONFEDERATE STATES OF AMERICA,
War Department,
RICHMOND, Va., Jan. 24, 1864.

TO GENERAL JOSEPH E. JOHNSTON,
Dalton, Ga.

General: Major General Walker has communicated directly to the President copies of a memorial prepared by Major General Cleburn, lately the subject of consultation among the generals of divisions in your command, as also of a letter subsequently addressed himself to the generals present, making the avowal of the opinion entertained by them in relation to such memorial, with their replies. I am instructed by the President to communicate with you on the subject. He is gratified to infer from your declination to forward officially General Walker's communication of the memorial that you neither approved the views advocated in it nor deemed it expedient that after meeting, as they happily did, the disapproval of the council, they should have further dissemination or publicity. The motives of zeal and patriotism which have prompted General Walker's action are, however, fully appreciated, and that action is probably fortunate, as it affords an appropriate occasion to express the earnest conviction of the President that the dissemination, or even promulgation of such opinions under the present circumstances of the Confederacy, whether in the army or among the people, can be productive only of discouragement, distraction, and dissension.

The agitation and controversy which must spring from the presentation of such views by officers high in public confidence are to be deeply deprecated, and while no doubt or mistrust is for a moment entertained of the patriotic intents of the gallant author of the memorial and such of his brother officers as may have favored his opinions, it is requested that you will communicate to them, as well as all others present on the occasion, the opinions as herein expressed of the President, and urge on them the suppression not only the memorial itself, but likewise of all discussion and controversy respecting or growing out of it.

I would add that the measures advocated in the memorial are considered little appropriate for consideration in military circles, and, indeed, in their scope pass beyond the bounds of Confederate action and would, under our constitutional system, neither be commended by the Executive or Congress, nor entertained by that body. Such views can only jeopardize among the States and people unity and harmony, when for successful co-operation and the achievement of independence, both are essential.

With much respect, very truly yours,

(Sg) JAMES A. SEDDEN,
Secretary of War.

On receipt of the foregoing, General Johnston communicated the views of President Davis thus expressed, to the officers present at the meeting aforesaid. His communication was in the form of a circular letter, and worded and addressed as follows:

DALTON, Jan. 31, 1864.

Lieutenant General Hardee, Major General Cheatham, Major General Hindman, Major General Cleburn, Major General Stewart, Major General Walker, Brigadier General Bate, Brigadier General J. P. Anderson:—

Generals: I have just received a letter from the Secretary of War in reference to Major General Cleburn's memorial read in my quarters about the 2d instant.

In this letter the Honorable Secretary expresses the earnest conviction of the President.

(Here follow extracts from said letter.)

Most respectfully, your obedient servant,

(Sg) J. E. JOHNSTON,
General.

P. S.—To Major General Cleburn:—Be so good as to communicate the views of the President expressed above to the officers of your division who signed the memorial.

(Sg) J. E. J.

General Johnston next wrote the Secretary of War as follows:

DALTON, Feb. 2d, 1864.

Hon. J. A. SEDDEN,
Secretary of War:

Sir:—I had the honor to receive the letter in which you express the views of the President in relation to the memorial of Major General Cleburn on the 31st ult., and immediately transmitted his instructions in your own language to the officers concerned.

None of the officers to whom the memorial was read favored the scheme, and Major General Cleburn, as soon as that appeared, voluntarily announced that he would be governed by the opinion of those officers and put away his paper. The manner of strengthening our armies by using negroes was discussed, and no other thought practicable than that which I immediately proposed to the President.

I regard the discussion as confidential, and understood it to be so agreed before the party separated. This and General Cleburn's voluntary promise prevented any apprehension in my mind of the agitation of the subject of the memorial. I have had no reason to suppose that it made any impression.

Most respectfully, your obedient servant,
(Sg) J. E. JOHNSTON,
General.

But, as previously said, before the war closed, General Cleburn's plan gained many adherents in the Confederacy, and prior to the act of the Confederate congress (February–March, 1865), to-wit, as early as the fall of 1864, Hon. Henry W. Allen, Governor of Louisiana, wrote:

EXECUTIVE OFFICE,
SHREVEPORT, La., Sept. 26, 1864.

To HON. JAMES A. SEDDEN,
Secretary of War,
Richmond, Va.

My Dear Sir: The time has come for us to put into the army every able-bodied negro man as a soldier. This should be done immediately. Congress should, at the coming session, take action on this most important question.

The negro knows that he cannot escape conscription if he goes to the enemy. He must play an important part in the war. He caused the fight and he will have his portion of the burden to bear.

We have learned from dear-bought experience that negroes can be taught to fight, and that all who leave us are made to fight against us. I would free all able to bear arms, and put them in the field at once. They will make much better soldiers with us than against us, and swell the now depleted ranks of our armies. I beg you to give this your earnest attention.

With assurances of my friendly regard and very high esteem, I remain,

Your obedient servant,
(Sg) HENRY W. ALLEN,
Governor of Louisiana.

For a more detailed and circumstantial account of the "Memorial" prepared by Major-General Pat R. Cleburn, addressed to and read by him to the commanding-general, corps and division commanders of the Army of Tennessee at a council summoned by General Johnston at his headquarters in Dalton, Ga., January 2, 1864, with resulting correspondence, and its ordered suppression by the authorities at Richmond the reader is referred to Serial No. 110, War of the Rebellion, pp. 586, 593, 594, 596, 598, 606, 608.

In so far as contemplating the enlistment of slaves as soldiers in the Confederate army, apart from the mode of their service, the "memorial" thus suppressed, only anticipated the Act of the Confederate Congress, Approved March 13, 1865, entitled, "An Act to increase the military force of the Confederate States." See Serial No. 129, pp. 1161–2, "War of the Rebellion."

As early as February 18, 1865, General R. E. Lee in a letter to Hon. E. Barksdale, house of representatives (from Mississippi), Richmond, favored, yea, advocated the policy, based upon necessity, of the employment of negroes as soldiers in the Confederate army. But, he based such service upon the promised freedom to the slave. Though the congress saw fit to enact the law for the service, it made no provision for the freedom of the slave. See McCabe's Jr., Life of General R. E. Lee, pp. 573–576.

Whether, in the light of subsequent events, the said "memorial" should have been treated and dignified as producing an epoch in the war, or should have been dismissed, at least passed over as an episode, it is nevertheless recognized by knowing ones at the time, that it lost to its gallant author the well deserved promotion to the first thereafter occurring vacancy in the rank of lieutenant general, army of Tennessee, and to which Major-General Alexander P. Stewart was, on the death of General Leonidas Polk, promoted.

CHAPTER 8

The Army at Dalton, Ga., and its routine duties whilst there.—Reflections as to the suitability of General Johnston as its commanding officer.—Retreat begun.—Battle of Resaca.—Army at Cassville.—Battle Order read to the troops.—New Hope Church.

During the winter and spring (1863–4) months that the army was at Dalton the usual routine of camp-life was pursued, varied only by weekly inspections, and an occasional review, and the putting into execution the findings of court martials then and there constantly in session; and once, a "sham battle," participated in by the whole army. I make bold to say that during said time more men were shot at Dalton as the result of court martial findings, than were shot during the entire time of General Bragg's command; and yet, no adverse criticism, or charge of brutality, was, or is heard. Besides the numerous executions by shooting, men who had been found guilty of desertion under palliating circumstances, were weekly brought out, paraded before their brigades with barrels over their heads, then halted, stripped, and the letter D—meaning desertion—tattooed with India ink on their buttock. And yet, doubtless, by the evolution of events and the "irony of fate," yea, by the perversion of well meant and womanly goodness, some of these men are now the proud possessors and are unworthily wearing the "cross of honor," which in its inception and purpose, was designed and intended only to acknowledge and reward merit in the true, faithful, and valiant Confederate soldier.

Whilst at Dalton, several feints *en force,* were made on it by Sherman's army—particularly, during the month of April, '64. On those occasions the Army of Tennessee was marched out to and manned the fortifications protecting Dalton. On those occasions Walthall's brigade was assigned position a few miles out from and due north of that place. Finally, on the 12th of May, 1864, the Confederate army evacuated Dalton, when commenced the celebrated "Atlanta campaign;" a retreat conducted in defiance of that axiom of the military art and which finds the logical end of defence, in surrender. It is a truthful reflection of the military critic, who says a country is not saved by retreats, however regular, or by skill, however great, when positions are chosen only to be abandoned. Particularly was it true that the Fabian policy, which seems to have been adopted by General Johnston, was not suited to the conditions confronting the Confederacy, and the illimitable resources of men and supplies, that the Federal army had at its "beck and nod;" and in fact, it is never advisable, though a Hannibal is opposing, unless the defensive army can maintain itself by ample recruits and supplies.

The truth is, General Johnston so demoralized his troops by constantly abandoning positions apparently impregnable, that it became a "by-saying" with them, that he had his "pontoons ready to retire on Cuba." As evidence of the uncertainty in the minds of the authorities at Richmond as to what General Johnston would next do, reference is made to the interview between the Hon. B. H. Hill, then Confederate States Senator from Georgia, and General Johnston at Marietta, Ga., just before the army fell back from there, and to the subsequent interview between Senator Hill and the President at Richmond.[80] Especial attention is directed to the masterful speech of Senator Hill, made before the Georgia branch of the Southern Historical Society at Atlanta, February 18, 1874, and in which he pronounced his matchless eulogy on General Robert E. Lee, which has become an American classic, and wherein, speaking of Jefferson Davis, he said:

> "He was as great in the cabinet as was Lee in the field. He was more resentful in temper, and more aggressive in his nature than Lee. His position, too, more exposed him to assault from our own people. He had to make all appointments and though

often upon the recommendation of others, all the blame of mistake was charged to him, and mistakes were often charged by disappointed seekers and their friends which were not made. He also made recommendations for enactments, and through these measures, especially the military portion, invariably had the concurrence of, and often originated with Lee, the opposition of malcontents was directed at Davis. It is astonishing how men in high position, and supposed to be great, would make war on the whole administration for the most trivial personal disappointment. Failures to get places, for favorites of every ordinary character, has inspired long harangues against the most important measures, and they were continued and repeated even after those measures became laws. 'Can you believe,' he said to me once, 'that men—statesmen—in a struggle like this, would hazard an injury to the cause because of their personal grievances, even if they were well founded?' 'Certainly,' I replied, 'I not only believe it but know it. There are men who regard themselves with more devotion than they do the cause. If such men offer you counsel you do not take it, or ask appointments you do not make, however you may be sustained in such action by Lee and all the cabinet, and even the congress, they accept your refusal as questioning their wisdom and as personal war on them.' 'I cannot conceive of such a feeling,' he said. 'I have but one enemy to fight, and that is our common enemy. I may make mistakes, and doubtless I do, but I do the best I can with all the lights at the time before me. God knows I would sacrifice most willingly my life, much more, my opinions, to defeat that enemy."

As to the removal of General Johnston from command of the army of Tennessee, Senator Hill says:

"I have heard it said that I advised that removal. This is not true. I gave no advice on the subject, because I was not a military man. You have all heard it said that Mr. Davis was moved by personal hostility to General Johnston in making this removal. This is not only not true, but is exceedingly false. I do know much on the subject of this removal. I was the bearer of messages from General Johnston to the President, and was in Richmond and sometimes present, during the discussions on the subject. I never saw as much agony in Mr. Davis' face as actually distorted it when the possible necessity for his removal was at first suggested to him. I have never heard a eulogy pronounced upon General Johnston by his friends as a fighter, equal to that which I heard from Mr. Davis during these discussions. I know he consulted with General Lee fully, earnestly, and anxiously before this removal. I know that those who pressed the removal, first and most earnestly, in the cabinet, were those who had been most earnest for General Johnston's original appointment to that command. All these things I do personally know. I was not present when the order for removal was determined upon, but I received it immediately after from a member of the cabinet, and do not doubt its truth, that Mr. Davis was the very last man who gave his assent to that removal, and he only gave the order when fully satisfied it was necessary to prevent the surrender of Atlanta without a fight."

In substantiation of the foregoing characterization of General Johnston, I appeal to an unsent message of President Davis to Congress under date of February 18, 1865, published in "The War of the Rebellion," Series I, Vol. 47, page 1304, and reproduced in the August, 1906, "Confederate Veteran," pages 365–369. The President's reason for withdrawing said message appears in a letter of his to Colonel James Phelan, then a senator from Mississippi, published in the same volume of the "Record." I likewise refer to pp. 556–561 of Vol. 2 of the "Rise and Fall of the Confederate States," where is given an extract from a letter of Hon. Benjamin H. Hill of Georgia.

It may be not only pertinent, but instructive at this place, to refer to the military experience and capacity of General Johnston, as well as to his prejudices and moral weaknesses.

As quartermaster-general in the "old army," General Johnston was familiar with every detail of that department, as also, with the details of the commissary, and other leading army departments. General Dick Taylor, in his "Destruction and Reconstruction," writes of him thus:

"As a master of logistics, and skill in handling troops, he was great. Yet he cannot be said to have proven a fortunate commander." It is claimed by his admirers and admitted by his critics that, in all that books can teach or academies instill of military art, General Johnston excelled. It is conceded that he possessed talent of a very high order, as also endless energy vigorously applied. But, with it all, he seemed lacking in military genius or inspiration. In the creative genius which finally triumphs in war, and which books and academies can only initiate and record, but never teach—such elements as were possessed in an eminent and unequaled degree by the first Napoleon, and by Marlborough; by Suvoroff, and by Skoboleff, of the Russian; by Von Molke, of the German; by Stonewall Jackson, and Bedford Forrest, of the Confederate armies, General Johnston is shown by the results, to have been signally wanting.

"Leaving out of view Bentonville and the closing scenes in North Carolina, which were rather the spasmodic efforts of despair than regular military movements, General Johnston's 'offensive' must be limited to Seven Pines or Fair Oaks."

In the spring of 1864, the war department, the President, and Generals Lee and Bragg, were anxious and urgent that General Johnston make an offensive campaign into Tennessee and Kentucky; and to that end the authorities offered to reenforce his army by Polk's troops from Mississippi, Longstreet's corps then in East Tennessee, and from Beauregard's command in South Carolina and Georgia—thereby assuring Johnston of an army of 75,000 men.[31] But no. As when telegraphed to at Atlanta by the President, asking if it was his "purpose to hold that place," his laconic response was as evasive as the Delphine Oracles, viz., "It will depend upon circumstances."

"At a retreat," says General Taylor, "the precision and coolness of his movements during the Georgia campaign, would have enhanced the reputation of Moreau; but it never seemed to have occurred to him to assume the offensive during the turning movements of his flanks, movements involving time and distance. * * * I am persuaded that General Johnston's mind was so jaundiced by the unfortunate disagreement with President Davis, * * * as to seriously cloud his judgment and impair his usefulness. He sincerely believed himself the Esau of the government, grudgingly fed on bitter herbs, while a favored Jacob enjoyed the flesh pots. * * * Destiny willed that Davis and Johnston should be brought into collision, and the breach, once made, was never repaired. Each misjudged the other to the end."

The estrangement alluded to by General Taylor, originated in the difference of their views as to the proper construction of the resolution of the Confederate congress providing for the relative rank to be given officers of the "old army," joining the Confederate service, and is best told by General Taylor, in his prince of books, "Destruction and Reconstruction," thus:

"Immediately after the birth of the Confederacy, a resolution was adopted by the provisional congress, declaring that military and naval officers resigning the service of the United States government to enter that of the Confederacy would preserve their relative rank. Later on, the President was authorized to make five appointments to the grade of general. The appointments were announced after the battle of Manassas, and in the following order of seniority, namely: Samuel Cooper, Albert Sidney Johnston, Robert E. Lee, Joseph E. Johnston, and G. T. Beauregard. Now, near the close of President Buchanan's administration, in 1860, General Jessup, quartermaster general of the United States army, died, and Joseph E. Johnston, then lieutenant colonel of the first United States cavalry, was appointed to the vacancy. Now, the quartermaster general had the rank and pay, and emoluments of a brigadier general; but the rank was staff, and by law this officer could not exercise command over troops unless by special assignment. When in the spring of 1861, the officers in question entered the service of the Confederacy, Cooper had been adjutant general of the United States army, with the rank of colonel; Albert Sidney Johnston, colonel and brigadier general by brevet, and on duty as such, Lee, lieutenant colonel of "the second" cavalry, and later colonel of the 1st cavalry vice Sumner, retired, and senior to Joseph E. Johnston in the line before the latter's appointment above mentioned; Beauregard, major of engineers. In arranging the order of seniority of generals, President Davis held to the seniority of line to staff rank, while Joseph E. Johnston took the opposite view, and sincerely believed that injustice was done him."

No impartial or reflecting student of public men and the times can question for a moment the correctness, wisdom, and unselfishness of President Davis' construction of the meaning and intent of the resolution of the provisional congress. It is but one of the innumerable evidences of his unselfish patriotism and unerring judgment, and justified the exalted estimate of him by Georgia's Confederate Senator—the Hon Ben. H. Hill—when subsequently eulogizing Mr. Davis, and his commander of the armies in the field, he spoke the following congratulatory words for the students of history:

"No people, ancient or modern, can look with more pride to the verdict which history will be compelled to render upon the merits and character of our two chief leaders—the one in the military and the other in the civil service. Most other leaders are great because of fortunate results, and heroes because of success. Davis and Lee, because of qualities in themselves, are great in the face of misfortune and heroes in spite of defeat.

"When the future historian shall come to survey the character of Lee, he will find it rising like a huge mountain above the undulating plain of humanity, and he must lift his eyes high towards heaven to catch its summit. He possessed every virtue of other great commanders without their vices. He was a foe without hate; a friend without treachery; a soldier without cruelty; a victor without oppression, and a victim without murmuring. He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy, and a man without guile. He was Caesar without his ambition; Frederick without his tyranny; Napoleon without his selfishness, and Washington, without his reward. He was obedient to authority as a servant, and royal in authority as a true king. He was gentle as a woman in life; modest and pure as a virgin in thought; watchful as a Roman vestal in duty; submissive to law as Socrates, and grand in battle as Achilles."

As the engagements between the army of Tennessee under General Joseph E. Johnston, and the federals under General Sherman, ranging at intervals from May 13th at Resaca, to July 18th, near Atlanta, when and where General Johnston was superseded by General John B. Hood, did not assume the proportions of general engagements, it is only necessary to add that, Walthall's brigade participated in most of them—and in some, notably Resaca and New Hope Church. But, so far as the brigade and its division were concerned, these engagements were as momentous and sanguinary, as though they had assumed the full proportions of general engagements. Thus, at Resaca, where General Johnston made his first stand after leaving Dalton, a part of the army, consisting of Hood's corps, in which Walthall's brigade, of Hindman's division was, was for the greater part of two days engaged with McPherson's corps after it had debouched from Snake Creek Gap near the salient of Hood's line occupied by Walthall, and held its position against repeated assaults, until the army was withdrawn at midnight of the 14th, and with difficulty and great hazard of life, crossed over the bridge to the south side of the Oustenaula river, en route to Cassville, via Adairsville.

It may be, and doubtless by the general reader will be considered, presumptuous in me—a subaltern without technical military education, to criticise any military movement of so great a commander as General Johnston; and yet, I feel constrained to comment—and I am sure that I am not alone in the commentary—and to say that, I cannot appreciate why General Johnston, instead of withdrawing his whole force directly south on the main road to Resaca, did not throw a sufficient force in Snake Creek Gap behind McPherson, and having the Army of the Mississippi under Polk, at the southern mouth of the Gap where it terminated at Resaca, "bottle up" McPherson. Certainly, the mind of General Johnston did not on that occasion run in the channel that Forrest's did, when on a certain occasion General Abe Buford, one of his division commanders, and a West Point graduate, protested against a movement being made by Forrest, that it would expose his flanks to the enemy, the latter replied: "Well, God damn it, if the enemy gets on my flanks, won't I be on his; so, what difference does it make?" However, General Johnston may have thought, that had he entered the Gap in rear of McPherson, the latter would turn about, and having Sherman with a force behind him, "bottle him—Johnston—up." The difference between him and Forrest was, that the latter took chances, and won "by getting there first with the most men." Johnston on the other hand, adopted his West Point strategy, and lost. That is the difference between boldness backed by common sense, and science conforming strictly to military rule, without rhyme or reason.

In the engagement at Resaca, Walthall's brigade was gallantly supported by Tucker's Mississippi (afterwards Sharp's) brigade, which several times rushed up from its position in the ravine immediately in rear, tendering its support in each emergency.

The brigade's loss in two days' fighting was heavy, both in its killed and wounded. Among the killed was, Lieut.-Col.

A. J. Jones, commanding the 27th Mississippi regiment; and among the wounded were many officers and men, including General Walthall, who received only a slight abrasion on the forehead by a passing minnie-ball. Lieutenant Colonel Jones, and several men of his regiment were killed by the fragments of a shell, which had exploded immediately over them.

As the enemy from an eminence to our left front obtained an enfilade fire from its artillery on a part of our entrenched line, their shells would sometimes fall in, or explode just above our trenches. Once whilst this was occurring, a most gallant act was performed by a soldier of the brigade, whose name, I regret, has escaped me—for it deserves canonizing. The soldier seeing a shell fall in the trenches near him with smoking and burning fuse, timely seized it, and with nonchalant manner, accompanied with words of triumph, threw it over the works before it exploded. His words in substance were, "Return from whence you came."

During this engagement General Walthall was constantly exposing himself as an encouragement to his men, and giving attention to every part of his line. In one of these exposed positions and whilst the enemy was assaulting his line, his spirited and highly prized bay charger was shot from under him, at which he called upon his adjutant general for, and mounted his horse—thereby leaving the latter afoot which, under the dangerous conditions of the occasion, was entirely satisfactory and acceptable to him.

Hood's corps, of which Walthall's brigade of Hindman's division was a part, being in rear of the army on its withdrawal from Resaca, entered Cassville at about 12 M., on the 18th of May, 1864. We found there, Hardee's corps, and "The Army of Mississippi," the latter under General Polk, massed by brigades in front of the town. About 8 o'clock on the morning of the 19th, Hindman's division was moved out and took position on the prolongation of the contemplated line of battle. It was here and then that the "celebrated battle order" of General Johnston was read to the troops, announcing in substance, that our retreat was ended, and that if the enemy appeared in his front, battle would then and there be given him; at least, from thence on, our movements would be forward. But, to the amazement of the troops—and imagine their surprise—they were soon faced about and marched back to a range of hills immediately in rear of Cassville (Walthall, being in rear of and near the city grave-yard), and there formed line of battle behind hastily constructed breast-works. The only recompense to the infantry for this disappointment, was the opportunity to witness a fight between the cavalry of the two armies in the plain below—and at which some laughed and said it was like child's play.

In this position on the range of hills, General Hardee's corps occupied the extreme left, the army of Mississippi the center, and Hood the extreme right, and we were momentarily expecting battle. During the night following, however, and to the surprise of us all—save to the commanding general and his corps commanders and their respective staff officers, the army was ordered to, and did cross the Etowah, via the Cartersville bridge, and proceeded in the direction of New Hope Church, where a few days later, Stewart's division signally repulsed the attack on our lines, made by General Logan. During the fighting at New Hope, Walthall's brigade was held in position at and near the church, as a support to Stewart in the event of need.

The name Cassville suggests a romance about which, were I "to tell tales out of school," or my honorable friend, Judge J. W. Buchanan, now the Mississippi solicitor of the Frisco system of railroads with headquarters in Memphis, Tenn., but in the sixties, a captain commanding the "Buena Vista Hornets," in the 24th Mississippi regiment, was disposed to indulge his reflective faculties, we could raise the curtain upon a most romantic war incident, in which he and a young "Kentucky belle" were the principal actors. However, I will tell just enough to recall the romance to those who were behind the scene at the time, and are in a reminiscent mood. The romance grew out of the following facts: As Bragg was retreating out of Kentucky, October, 1862, and Walthall's brigade was passing "Camp Dick Roberson," a young and beautiful Kentucky woman imbued with the spirit of loyalty to the Southern cause, decided to share for the time, the fortunes and fate of our army; and placing herself under the protection of the gallant, and otherwise charming captain, was escorted to Knoxville, Tenn., from whence she journeyed to, and sought refuge with relatives at Cassville, Georgia. More than a year passed, and when our army was at Dalton, this "Kentucky belle" was informed in letters received, through the lines from friends at home, that her property was in process of being confiscated, and could be saved to her only by her return to Kentucky. This she decided on doing, and from her temporary home at Cassville, appealed to the gallant young captain to assist her in securing the necessary papers authorizing her to pass through our lines, which he did, and served as her friendly and courteous escort through ours to the federal lines. This information came to my knowledge by reason of my official functions; and I was too glad to aid my friend Joe, in his interested application for the necessary pass to that end.

Chivalric, and romantic Captain Joe would have doubtless, after the close of the war, renewed with the beautiful "Kentucky belle," their mutual attachment of '62–64, had it not been for the dangerous wound received by him at Jonesboro, Ga., August 31, 1864, and which kept him prostrate upon his back for the succeeding four years, during which time the romance faded, and he took unto himself a wife, and to whom, I dare say, this giving away of army secrets, will be news, and possibly, provoke comment.

The reason given by General Johnston for falling back from Cassville, instead of giving battle as announced in orders he would, is a matter of difference and dispute between him and two (Generals Polk and Hood) of his corps commanders. One interested in this feature of the campaign, is referred to "Johnston's Narrative," and "Advance and Retreat" by Hood, where will be found elaborated the respective and angered contentions of the officers concerned.

As it was the policy of Sherman to continue extending his left in the direction of the railroad, it was necessary every few days for our troops to take new position to keep in his front; and so it was, that from New Hope Church to Kenesaw Mountain, May 20, June 10, there was an almost continuous skirmish, at times resulting in fierce fighting.

CHAPTER 9

E. T. Sykes, adjutant general of the brigade, transferred to Jackson's Cavalry Division for duty as adjutant general thereof.—Walthall's promotion to a Major Generalship and his accomplishments as such.—Command of Infantry rear guard of General Hood's army out of Tennessee.—Colonel Samuel Benton as senior colonel in command of brigade.—Colonel W. F. Brantley, 29th Mississippi, commissioned Brigadier General and assigned first, to the temporary and after the death of General Benton, to the permanent command of the Brigade.—After which the name was changed to that of "Brantley's Brigade," and by which name it was afterwards, and until the close of the war, known and designated.—Sketch of General Stephen D. Lee.

The connection of the author of this sketch with Walthall's brigade ceased in the early part of June, 1864, by transference to Jackson's (W. H.) cavalry division, as assistant adjutant general thereof.[32]

Soon thereafter, General Walthall was promoted to the command of a division, composed of the brigades of Canty, Reynolds and Quarles; and later, of the brigades of Quarles, Shelly and D. H. Reynolds of Stewart's corps, army of Tennessee. His commission as major general was dated June 10, 1864, to rank from June 6, 1864.

In this higher and more extended field of command, Walthall proved himself the equal, if not superior, of any division commander in the army of Tennessee.

From Marietta, to the close of the Georgia campaign; in Hood's advance into, and retreat out of Tennessee; at Bentonville, North Carolina, and up to the day (April 26, 1865), of Johnston's surrender at Greensboro, North Carolina, he did noble service as a division commander, and won the unlimited confidence and unstinted praise of his superiors. This was particularly so in the battles of Franklin and Nashville, Tenn., and most notably in his joint command with Forrest, in covering the retreat of Hood's army out of Tennessee. Those who were behind the scenes and know best, say that Walthall was booked for promotion to the grade of lieutenant general on the first vacancy in that rank occurring in the army of Tennessee.

Of this retreat, Walthall, in his report dated Verona, Miss., January 14, 1865, War of the Rebellion, Serial No. 93, p. 724, modestly says:

> "The night of the 17th (December, 1864,) we encamped near Spring Hill, and about 2 P. M. the next day the corps (Stewart's) took position north of Duck river, to cover the crossing of the army on pontoon bridge at Columbia. Here we intrenched—Major General Loring's division on the right and mine on the left, and remained till 11 o'clock on the night of the 19th, when we moved across the river and encamped a short distance from Columbia, and on the Pulaski pike.
>
> Early the next morning reaching the quarters of the commanding general, in obedience to a message from him borne me by a member of his staff, he directed me, with a special command to be organized for the purpose, to report to Major General Forrest to aid in covering the retreat of the army, then in motion toward Pulaski, his purpose being to cross the Tennessee river near Bainbridge, if practicable. This organization was made up of the following brigades, viz.: Gen. W. S. Featherston, Colonel J. B. Palmer's, Strahl's brigade, commanded by Colonel C. W. Heiskell, Smith's brigade, commanded by Colonel Olmstead, of Georgia, Maney's, commanded by Colonel H. R. Field, with three of my own command, namely, Brigadier General D. H. Reynolds, Ector's, commanded by Colonel D. Coleman, and Quarles', commanded by Brigadier General George D. Johnston. When these brigades were collected I reported to Major General Forrest, as directed, and was not again under Lieutenant General Stewart's orders till the evening of the 27th, when I was directed by him, after crossing Shoal creek, two miles from Bainbridge, to take position at the ford and remain until further orders. * * * The remnant of his command, after this campaign of unprecedented peril and hardships, reduced by its battles and exposure, worn and weary with its travel and its toil, numbered less when it

reached its rest near Tupelo, than one of its brigades had done eight months before."

The achievements of this infantry rear guard, in conjunction with the cavalry under Forrest, and which saved Hood's army from rout, if not annihilation, is thus modestly outlined by General Walthall. Its achievements if fully written, or if they had been accomplished and told by some others less deserving, would fill a volume. And yet, strange to relate, General Hood, in his book, "Advance and Retreat," and his official reports, fails to give properly, the brigades of infantry which constituted Walthall's rear guard. President Davis, in his work, "The Rise and Fall of the Confederacy," falls into the same error; and General Forrest in his report makes the same mistake.

On Walthall's promotion, the command of his old brigade devolved upon its senior colonels in turn and order of seniority, namely: On Colonel Samuel Benton of the 34th Mississippi, until his disability occasioned by wounds received in front of Atlanta, on July 22, 1864, and resulting in his death some eight or ten days thereafter in a hospital at Griffin, Georgia, to which place he had been carried for treatment; next upon Colonel W. F. Brantley of the 29th Mississippi regiment. These two officers were appointed brigadier generals on the same day, to-wit, July 26, 1864, and to rank from that date, Brantley's commission reaching him during the day of June 28th. Benton, however, was appointed the permanent, and Brantley the temporary brigadier of the old brigade, the latter to hold and exercise said rank only in the absence of, and conditioned upon the death or permanent disability of Benton. Benton having died before Brantley received his commission, the latter operated and was treated and recognized as a permanent commission from the date of its receipt by Brantley.

Benton was a man of marked intellectuality, fluent of speech, facile, and commanding in manner and action, and though never attaining the prominence at the bar which some of his associates reached, he was, nevertheless, recognized to be a good lawyer, with a bright future. Unlike his renowned uncle, the Hon. Thomas H. Benton, of Missouri, he was a whig in politics, and being well grounded in the philosophy of governmental polity, and likewise being a ready debater, he was once done the distinguished honor of being selected by the whigs of Holly Springs, to reply to Mr. (Honorable Jefferson) Davis, who had been advertised to, and did speak in that highly intellectual and cultured little city: and so well did Benton champion his side of the debate, that the great statesman and orator, took occasion to compliment his young opponent on his effort.

As a whig, Benton once (1852) represented the county of Marshall in the lower house of the state legislature. He likewise represented Marshall county in the "secession convention" of 1860, and voted for the ordinance which severed the political relations of Mississippi with the federal union.

True to his convictions, and proving his faith by his works, he organized a military company which responded to the first call of President Davis on Mississippi for troops. His company became a part of the original Ninth Mississippi infantry which, with the tenth, was organized at Pensacola, Fla., in April, 1861, with James R. Chalmers, colonel of the Ninth, and Moses Phillips, colonel of the Tenth, and brigaded together, first under General Ruggles, next General Gladden, and then under Chalmers. Those regiments being twelve months troops, Captain Benton, on the expiration of said term of service returned home and raised a regiment (the 34th Mississippi) of which he was elected colonel, and which after serving through Bragg's Kentucky campaign in a brigade commanded by Colonel T. M. Jones of the 27th Mississippi regiment, became one of the five famous regiments of Walthall's brigade.

Following the promotion of Walthall to a major-generalcy, Benton being the senior colonel in the brigade, succeeded to its command, and was in the command thereof when, in the battle of July 22, 1864, in front of Atlanta, he received the wounds resulting in his death a few days later. One of said wounds was made by a minnie-ball passing through the foot and necessitating the amputation of that limb; the other wound was caused by a fragment of an exploded shell striking him over the heart. This last wound though at first not thought to be mortal was found to be on closer examination made in the hospital at Griffin, Ga., a fatal wound.

The remains of General Benton were temporarily buried by Captain Addison Craft and other personal friends, in a private burying plot of a friend of the captain's residing in Griffin. They remained thus interred for three years, when they were disinterred and removed to Holly Springs, Miss., where they were finally buried, and now rest beneath a somewhat pretentious monument with only the name, "Samuel Benton," inscribed thereon.

General Brantley—Benton's successor in command of the brigade—was a most successful business man, and a lawyer of marked attainment in his profession. He was admitted to the bar in 1852, at Greensboro, then the county seat of Choctaw, but now a small village in the county of Webster, Miss. He had a broad mental grasp, coupled with great personal courage, and the unyielding tenacity of purpose, which from the start brought him success in his chosen profession, and which assured him fame and fortune. So it was that at the commencement of hostilities between the states, he had attained rank among the members of the legal profession of Mississippi. He was a member of the secession convention of '60 and voted for the ordinance which severed Mississippi's political relations with the federal government. Soon after the establishment of the Confederate States government, he raised a company, which with other companies, formed the 15th, Mississippi infantry regiment. Later he was promoted its major, and commanded the regiment in the battle of Shiloh. On the organization of the 29th Mississippi regiment in the spring of 1862, he was elected its lieutenant colonel, and on the promotion of Walthall to a brigadier generalship, Brantley became colonel of said regiment.

As has been correctly said by another, Brantley "was a man of intense convictions, strong will, and some prejudices. Such men generally excite antagonism, but have strong friendships, and Brantley was no exception to the rule." Indeed, not a few of his men, and even officers, looked upon him as a martinet, unduly exacting, and at times unnecessarily severe in his discipline. Certainly, it cannot be truthfully denied that he failed to secure and maintain the supreme confidence of the men and officers of his brigade—either in camps, on the march, or in action—and that he fell far short of Walthall in all the essentials of a perfect brigade commander, or in any sense a great commander of men in the field. The officers and men naturally contrasted the two, and always at the disadvantage of their last commander.

Coming safely through the war and resuming the practice of law with a most encouraging promise of the future, he was soon thereafter in an unguarded and unsuspecting moment foully assassinated by an unknown and never detected enemy. His remains were interred with Masonic and other civic honors, at Greensboro, Miss. 'Twas there that he achieved his first successes, and won honors in his profession; and there an appropriate monument commemorates his life work.

Brantley's brigade staff consisted of the following officers, viz.:

Captain John C. Harrison, assistant adjutant general.

Captain D. C. Sweatman, aid-de-camp.

Captain L. W. Magruder, ordnance officer.

Major Addison Craft, assistant quartermaster.

Major John Hooper, assistant commissary sergeant.

Shortly before the surrender of the "Army of Tennessee," then commanded by General Joseph E. Johnston, to-wit, on April 10th, 1865, at Smithfield, North Carolina, the five regiments that had composed Walthall's, and afterwards Brantley's brigade, were consolidated into one regiment, known and designated as the 24th Mississippi regiment. Thus consolidated it was officered by appointees for the purpose, viz.:

R. W. Williamson, formerly of the 30th Mississippi, colonel.

Clifton Dancy, formerly of the 34th Mississippi, lieutenant colonel.

George Govan, formerly of the 9th Mississippi, major.

This new 24th Mississippi regiment, with other consolidated regiments, constituted a new brigade under the command of General Brantley and thus continued until the surrender on the 26th following—the army being then at and near Greensboro, North Carolina.[33]

Though outside the specific scope of this sketch which was undertaken to record chiefly the history and service of the brigade whilst commanded by General Walthall, I nevertheless feel that I may with perfect propriety, yea, shall, add the reflection, that the same *esprit de corps* and chivalric bearing which characterized the brigade whilst under the immediate command of Walthall, continued to animate and inspire it under its succeeding commanders.

Thus, in the battles around Atlanta (July 22 and 28, 1864); at Jonesboro (Aug. 31–September 1st, 1864); and at Franklin Tenn. (Dec. 17, 1864), it, as Sharp's ("High-Pressure"), Adam's (John), Featherston's and Sear's brigades—all five Mississippi commands—was, throughout, markedly conspicuous. And whilst on the last named field, Sharp's captured and passed through the "locust grove," and Adams fell with many of his men on the enemy's breastworks, Brantley's brigade assaulted the works to their left front, capturing and occupying the ditch in front thereof, and whilst there, and unable to scale the works, received and withstood a galling and incessant fire from a portion of the enemy who had come out of their works on Brantley's left, and opened an enfilade fire on his line. The ordeal was trying; but, with Spartan bravery Brantley's men held their ground until the battle was over. With the coming of the morning, General Stephen D. Lee—their corps commander—rode up and viewing the scene with its dead and wounded of the night before, took off his hat, and with tears in his eyes, and in tremulous voice said: "Men! I have read of the deeds of the 'old guard,' I have witnessed the valor of the Army of Northern Virginia, but I have never read of, or witnessed anything comparable in valor to the scene before me, and your deeds of last night—where troops remained steady and unawed under an enfilade fire, and though being killed by the hundreds held their ground; and I now and here promise you that so long as my voice has influence with the commander of the army, Brantley's brigade shall never lose its identity." General Lee in so far as events, and the depleted condition of the army justified, kept his word; and when the army of Tennessee was in North Carolina just prior to the final surrender, the then fragments of the old brigade were ordered to be consolidated with and absorbed by another and stronger brigade, General Lee went in person to General Johnston, and by his appeal and influence averted the consummation of the contemplated order of consolidation, as previously determined on. Thus, whilst many other old brigades were ultimately broken up and their fragments distributed among different commands, the regiments of Brantley's brigade, though finally consolidated—as previously stated—preserved their brigade identity to the end.[33]

Owing to his prominence, and the fact of his having been the corps commander of the "old brigade" during his entire service as lieutenant general with the Army of Tennessee, I consider it appropriate to record an encyclopedic sketch of the military and civic life of General Stephen Dill Lee—the now second in rank of the surviving Confederate officers.

He was born in Charleston, South Carolina, September 22, 1833, his parents being Dr. Thomas and Caroline (Allison) Lee. He graduated at West Point in 1854; was 1st lieutenant 4th artillery United States army, 1854-61, and for three years regimental quartermaster of same.

On the formation of the Confederate government, Lieutenant Lee resigned from the United States army, and being commissioned a captain in the Confederate States army was assigned to duty on the staff of General Beauregard, at Charleston; in conjunction with Colonel Chestnut of the same staff, he bore General Beauregard's message to, and demand of Major Robert Anderson for the surrender of Fort Sumter; as also, the final notification of the opening of the Confederate batteries on the fort. His service in the Confederate army covered the grades of captain, major, lieutenant colonel, colonel, brigadier general, major general and lieutenant general. He took part in the battles around Richmond, in 1862; in 2d Manassas, Sharpsburg, Vicksburg campaign; commanded Confederates at Chickasaw Bayou, Miss., where he defeated the Federals under Sherman; and in the battles of Tupelo, Miss.; Atlanta and Jonesboro, Ga.; Franklin, Nashville, and in North Carolina under Johnston—in all of which he rendered conspicuous service.

At 2d Manassas, and again at Sharpsburg, the artillery under his command saved the day, and crowned him victor. Thus when President Davis called on General R. E. Lee to name his best artillery officer for promotion and service at Vicksburg, Miss., under Pemberton, Colonel S. D. Lee's name was given, whereupon he was promptly commissioned a brigadier general and ordered to Mississippi. After being exchanged as a Vicksburg prisoner, he was appointed major general and placed in command of the military department of Alabama, Mississippi and East Louisiana, and was in command of the cavalry when in June, 1864, he was appointed lieutenant general. After fighting the battle of Harrisburg, Miss., was ordered to Atlanta to assume command of Hood's old corps.

Mr. Davis said of him after the war, that he was equally a success as a commander of artillery, infantry and cavalry.

February 9th, 1865, he was married to Regina L. Harrison, daughter of the distinguished lawyer, Hon. Jas. T. Harrison of Columbus, Miss. She was one of the most brilliant and accomplished ladies of the Southland. She departed this life, October 3d, 1903, leaving but one child, Hon. Blewett H. Lee of Chicago, Ill., who is assistant general counsel of the Illinois Central R. R. Co.

Immediately following the close of the war General Lee was a cotton planter; in 1870 was state senator; 1880–1899 was president of Mississippi agricultural and mechanical college; 1890, member of the Mississippi constitutional convention. Since 1899, has been one of the commissioners of the "Vicksburg military (U. S.) park"; and was elected by the U. C. V. reunion at its session at Nashville, Tenn., in 1904, to succeed the lamented General John B. Gordon, as its commander. The last two positions he is at present occupying, and most acceptably and enthusiastically filling.

Some years ago the degree of LL. D. was conferred on him by the Tulane University of Louisiana.

CHAPTER 10

Anecdotes of the War—Oliver Wilds, the Young Wounded Soldier at Shiloh—Charles Timberlake, or "Cub," the Colored Carrier of the Columbus Newspaper.

As it will accord with the experience of many old soldiers who actively participated in the trying scenes of the war, there were many pleasant incidents to grow out of its hardships and carnage; and I feel that I will be indulged the privilege of recording one of the many such coming within the range of my own experience, and only realized in its completeness long after the close of the war, namely: During a lull in the firing on the morning of the first day's (April 6th, 1862) fighting at Shiloh, the 10th Mississippi regiment (of which the author of this sketch was adjutant). of Chalmers' brigade, Wither's division, Bragg's corps—being the extreme right regiment in the front line and nearest the Tennessee river—was temporarily halted, and just before the advance movement was resumed, the colonel (Robert A. Smith) sent his adjutant to the left of the regiment with an order to one of the captains, and whilst on his way he was observed and spoken to by a young soldier who proved to be a private in the "Natchez Southerns" of said regiment, seated by and resting against a tree, with his pantaloons rolled up above the knee and bleeding profusely from a wound just before received, at or near the knee. The adjutant responded to the appeal to try to stop the flow of blood. Taking out his handkerchief and using it as a tourniquet, he called upon the lieutenant colonel (Bullard) who was near by, to direct the litter-bearers to come and carry the young soldier to the rear. In course of time, the adjutant's connection with the regiment ceasing by reason of his promotion to brigade staff duty, he never again saw the young soldier during the war, and though not knowing of his subsequent fate, the old adjutant often during the silent hours of repose, recalled the pallid features and bleeding wound of the young soldier boy from Natchez. Time rolled on without hearing from, or learning of the subsequent fate of the young soldier, until at the second reunion of the "Confederate Veterans of Mississippi," held at Natchez in the month of October, 1891; and then by the merest circumstance, the old adjutant was given a clue to the identity, whereabouts, and the nearby presence of the once young soldier boy. It occurred in this wise. Seated with Governor Stone—the then commander of the "Mississippi Veterans"—in the vestibule of the then new and elegant "Natchez" hostelry, soon after the adjournment of the day's session of the "grand camp," the old adjutant was presented by a resident veteran with a copy of a "memorial souvenir," being a pamphlet containing a "roll of the several military organizations which entered the service of the Confederate States of America from the city of Natchez, and Adams county, Mississippi."

Turning over and examining its interesting pages, the adjutant was reminded of the incident of the young soldier boy of the sixties; and desiring to learn his subsequent fate, so remarked to General Will T. Martin, and the other Natchez veterans then present. They promptly, and in unison replied: "Why, that was Oliver N. Wilds." Thereupon, we turned to the roll of the "Natchez Southerns" and there found the record: "Wilds, O. N., wounded, disabled, Shiloh, 6, 1862, discharged." Promptly, the old adjutant asked: "Is he dead or alive? If alive, where does he live, and what has been his subsequent career?" "Alive," was the response in unison, and further, "he was at the meeting this morning, and will attend the banquet tonight. He lives just across the river in Louisiana; is a prosperous business man, and in every respect happy and contented with his fortune and surroundings." The adjutant expressing his agreeable surprise and delight, and evidencing a desire to see his quondam young soldier, one of the company went out and soon returned accompanied by Mr. Wilds. Instantly, the picture photographed upon the memory of the adjutant more than twenty-nine years before, and until then remaining so vivid, vanished as he saw standing before him, not the young soldier of '62, pallid and bleeding, but a middle-aged, ruddy, and vigorous man with full beard, and without a feature to remind him of the former young and bleeding soldier boy. As he appeared on this latter occasion before the former adjutant, he was like him, a grandfather. Truly, there are resurrection days before, as well as after death; and that occasion proved its possibility.

Another incident, but of an altogether different character, is worthy of being perpetuated for its quaint humor, and surprising wit, viz.:

At the intersection of Main and Market streets in the city of Columbus, Miss., there has been for more than fifty years, a noble artesian well, from which a perpetual stream of cool and palatable water possessing rare chemical properties steadily flows, and which never fails to attract the eye of the passing stranger. At this well one morning about the close of the war, a town darkey, Charles Timberlake, familiarly called "Cub," then as now a "carrier" or, and general utility man of one of our city papers, and universally respected for his uniform politeness and innate kindness of heart, was standing with cup in hand, when a pompous and self-assertive United States colored soldier in full uniform, just arrived with his regiment to garrison this city, stopped in passing, and "shying his castor" with overbearing truculence, and intoxicated with verbosity of his own importance, demanded of "Cub" the use of his cup for a drink of water. After the colored soldier in uniform had sufficiently quaffed of the satiating stream, he smacked his lips and with elaborate fullness, and in a satisfied and self-assuming tone of voice, and whilst "Cub" was mentally sizing him up, said:

"I golly, darkey, that water's good, show's you bo'n."

"Cub," realizing that his interlocutor, though having on the federal uniform, was just out of his master's cotton field where he belonged, and entertaining a supreme contempt for him and his kind, threw himself back on his dignity and with an air of great importance, replied:

"In course hit's good; hit's boun'ter be good, for hit come 4,000 foot from der intrils of der yearth, and hit's been scanderlized by der bes' gymnas from der State Onaversary, and w'atever think he say got in it?"

"I dunno," the bumptuous, but by this time nonplussed and somewhat subdued soldier darkey, after swallowing another cupful of water, and smacking his lips, replied.

Realizing that his time had come to show his importance, "Cub," with assumed superior learning, gravely said:

"Well, Nigger, I'll tell you. Dere is ten grains oxhide gas, ten grains cowbonic gas, ten grains foxforus acid and seventy grains hydrophobia in dat water, and you know hit boun'ter be good; dat' a tease yer well, you bet," and "Cub" walked away leaving the soldier darkey shaking his head and meditating. Finally, the latter remarked, "Hit do taste powful ob der raw-hide."

CHAPTER 11

Roster of Field and Staff of 34th Mississippi Regiment.—Major Mason.—Captain Falconer.—Correspondence of the Adjutant and Inspector General's office as to their rank.

It was the original purpose of the author to give in the appendix hereto, a roster of the field, staff and company officers of each regiment of the brigade, and noting the dates of the respective promotions. To this end, I had prepared from the brigade books a reasonably accurate roster, but being informed that in the "record and pension division" of the war department at Washington under the immediate charge of General F. C. Ainsworth, United States army, the original rosters captured at the fall of Richmond are on file, and will ultimately be published, as provided by act of congress, approved February 25, 1903,* I forego the otherwise pleasant duty as first designed and purposed by me, and will accordingly give only a roster of the field and staff of the 34th Mississippi regiment. This is given for the reason only, that upon a contest for the majority of said regiment made whilst the brigade was at Shelbyville, Tenn., in the spring of 1863, the war department made an all important, controlling and decisive ruling, affecting and vacating hundreds, if not thousands of official positions that had, from time to time, been filled by appointment of military commanders in the field, without warrant or authority of law.

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*The Act of Congress referred to, enacted as follows: "That under the direction of the secretary of war the chief of the record and pension office shall compile, from such official records as are in the possession of the United States and from such other authentic records as may be obtained by loan from the various states and other official sources, a complete roster of the officers and enlisted men of the Union and Confederate armies."

ROSTER OF FIELD AND STAFF OF THE 34TH MISSISSIPPI REGIMENT.

Organized at Holly Springs, Miss., April 19, 1862, and Numbering 779 Officers and Enlisted Men.

Samuel Benton of Marshall county, colonel. By original election, was promoted brigadier-general, July 26, 1864, and died of wounds received in battle in front of Atlanta, July 28, 1864, whilst in command of the brigade and before receiving commission as brigadier. His death occurred in hospital at Griffin, Ga.

Daniel B. Wright, of Tippah county, lieutenant colonel. By original election. Wounded at Perryville. Resigned in May, 1863.

A. T. Mason, major. Appointed by General Bragg and filled the office until March, 1863, when the war department vacated the office and ordered an election to fill it. He was wounded at Perryville and was permitted to retire from the service. (See note to this roster.)

W. G. Pegram, of Tippah county, major. By promotion to fill vacancy, vice A. T. Mason, retired. Wounded at Chickamauga. Resigned in 1864.

Thomas A. Falconer of Marshall county, major captain of Company F, would have succeeded to the majority on the retirement of A. T. Mason, had it not been that the captain just before said retirement, had resigned his commission as captain. He, however, made application for reinstatement, and promotion to the majority. The application was disapproved; whereupon Captain W. G. Pegram of Company A, was promoted major. (See note to this roster.)

Thomas W. Miller of Tippah county, adjutant. Was captured in battle of Lookout Mountain, and made his escape whilst en route to Rock Island prison, by leaping from the car window whilst the train was under full speed in northern

Ohio. He was killed near Atlanta, Ga., August 3, 1864, in a brush with the enemy. His body was found inside the enemy's works.

A. T. Scruggs, of Marshall county, surgeon. Was soon detailed for hospital duty.

John Y. Murry, of Tippah county, surgeon. Was captain of company A. At his request was assigned to duty as surgeon, vice Scruggs, detailed. He soon (in 1862) resigned.

W. M. Compton, of Marshall county, assistant surgeon. Commissioned in 1862, at Tupelo, Miss., and soon after transferred to the 2d Texas cavalry as surgeon thereof.

—— Groves, of Alabama. Assigned to regiment, vice Murry, resigned.

Frank Ferrell, of Tippah county. Was of Company K, and passing the examining board, was assigned as assistant surgeon, vice Compton, resigned.

John A. Hooper, of Marshall county, A. C. S. Promoted in 1863, to brigade A. C. S.

L. Rogan, lieutenant and A. C. S.

H. A. Stubbs, of Tippah county, A. Q. M. Remained such to the close of the war.

Clifton Dancy, of Marshall county, sergeant major. He was promoted by regular gradations through the commissioned offices of company H, of which he was a member. Only a few days preceding the surrender, and when the regiments of Brantley's brigade were consolidated into one regiment, numbered 24, he was appointed lieutenant colonel of it.

This regiment was in the various skirmishes and fights around Corinth just subsequent to the battle of Shiloh and prior to its evacuation by General Beauregard. It was at that time in the brigade of General Patton Anderson. Together with the 24th, 27th and 30th Mississippi regiments it was conspicuous for its gallantry in the battle of Perryville, Ky., October 8, 1862. It went into that battle as a part of Anderson's division, and in a brigade temporarily commended by Col. T. M.

Jones of the 27th Mississippi regiment with 310 rank and file. It came out with 170, its losses being 140 officers and men. Every field officer was wounded.

Though this regiment was not organized until the spring of 1862, many of its officers had previously served a twelve months term with the old 9th Mississippi regiment, and had been discharged at the end of their said term of service. Its colonel, Samuel Benton, was captain of Company D in the old 9th Mississippi regiment.

Captain Thomas A. Falconer, father of Major Kinlock Falconer, Assistant Adjutant General Army of Tennessee, was a private, as were also his sons, Kinlock and Howard, in company B of said regiment. The father had been discharged at Pensacola, Fla., in the fall of 1861, on account of old age, and was complimented in general orders from army headquarters for his patriotism and self sacrifice.

Clifton Dancy, respectively sergeant major 34th, lieutenant and captain of Company H of said regiment, and lieutenant colonel of the consolidated 24th Mississippi regiment, had been a private in Company D of the old 9th Mississippi regiment. And Captains Rogers and Wilkins, and many others of this, the 34th Mississippi regiment, had belonged to the old 9th during its first twelve months term of enlistment.

Referring to the office of major of this regiment when supposed to be filled by A. T. Mason, and after his retirement, claimed by Captain Falconer, the adjutant and inspector general's department, Richmond, Va., refused to commission either, or in any manner recognize their, or either of their, claims to the office, for the reason given that the first named claimant was merely an appointee of General Bragg; whilst the other had, previous to his claim of right to the majority, resigned his captaincy. As shown by the following communications from the adjutant and inspector general's department addressed to Colonel Samuel Benton, commanding 34th Mississippi regiment, and to General Walthall, neither of said applicants was ever major by any rightful authority.

"CONFEDERATE STATES OF AMERICA,
War Department,
Adj't and Inspector Gen'l's Office,
RICHMOND, Va., May 12th, 1863.

Colonel:

Paragraph 111 general orders No. 38 and I. G. office, current series, is simply declaratory. There has never been any law or custom, which vested the power of appointment in military commanders. The offices to which you allude are therefore vacant, the department itself being without authority to confirm appointments, where elections should have been held. The vacancy in the majority of your regiment is an original one, to be filled in the same manner as the colonel and lieutenant colonel. The order did not make the law, which has existed alike in the old and new service.

The incumbents cannot properly receive pay therefore for services which were not legally rendered by them.

By command of the Secretary of War.

Very respectfully, colonel,
Your obedient servant,
(Sg) SAM'L W. MELTON,
Major and A. A. General.

To
Col. Sam'l Benton,
Comd'g 34th Miss. Reg't,
Wither's Division, A. of Tenn.

So depleted from casualties in battle and other causes incident to the service had this regiment become before the close of the war, that at the date of its surrender with the army of Tennessee at Greensboro, N. C., it was commanded by a captain: that captain being the gallant and efficient Thomas Spight, the present able representative in congress from the 2d congressional district of Mississippi.

CHAPTER 12

Mrs. Gen. E. C. Walthall.—Mrs. Gen. J. Patton Anderson.—Brigadier General W. H. Lytle.

But this incomplete sketch would be more imperfect, were it to close without introducing another important member of the brigade. It would be like the artist leaving his unfinished picture in his studio for other hands to complete, and who perhaps were not aware of his particular conception of genius that was to crown it a masterpiece. Hence, I know in advance, that I will be pardoned for introducing Mrs. Walthall to the readers of this sketch.

From the day she made her first visit to the General ("My Edward," as she familiarly called him), at Camp Autry, near Shelbyville, Tenn., in February, 1863, she was a constant and indispensable integral part of her husband's brigade, and shared with him his honors.

Having no children to claim her attention or time at home, she was left free to, and did reign in her husband's camp with the cheerful vivacity which threw a charm over the surroundings of the soldier, and gave tone, character, and an atmosphere of orderly refinement, not only to her husband's immediate military family, but also, by her native graces and kindness of heart, so endeared herself to the officers and men of the brigade, as to cause them to vie in meriting the approving smiles of their second in command. Indeed, the gentle, queenly graces of her intercourse with, and womanly bearing towards all, impressed her personality upon them, whilst her affable disposition and captivating manners, won for her universal respect and esteem.

No one did, or could have taken greater interest in the welfare of soldiers, or exulted more in their fame and chivalric deeds, than did Mrs. Walthall. Indeed, she considered their camp her home, and each member of the brigade as a part of her household.

It was only when an engagement was imminent, that she would yield reluctant consent to be separated from the brigade. At such times she would retire to the quiet home of her *quondam* friend of girlhood days, Mrs. Dudley M. DuBose, a married daughter of General Robert Toombs, at Washington, Ga.,[84] but to remain there only until word reached her that it was safe for her to return to the army.

On the retreat of our army to Chattanooga in the latter part of June, 1863, Mrs. Walthall came near being cut off from the command and captured. Two of her companions, Mrs. General J. Patton Anderson and her mother, were intercepted and fell into the hands of the federals, and were detained at Bridgeport, Ala.; but, during their short detention it was ascertained who they were, and why detained, and as it resulted, were most courteously treated by the officer in command at that place, and as soon as practicable were sent into our lines under an escort furnished by that gentlemanly, courtly and gallant Federal soldier, Brigadier General William H. Lytle (author of the beautiful verses on the dead Egyptian queen, captioned in the words of Shakespeare, "I am dying, Egypt, dying"), and who, unfortunately for American literature, and exemplar of refined and chivalric bearing, was prematurely killed in the battle of Chickamauga.

Remembering the kindness and the many and chivalric courtesies extended by General Lytle to General Anderson's wife and mother when detained by the Federals at Bridgeport, the latter, in front of whose division lines General Lytle was killed on September 19th, 1863, learning that his body had been rifled by some of our men, took it upon himself to make personal investigation of the rumored facts. Finding them to be true, he apprehended the guilty parties, and securing most of the valuables taken from the body, sent them with the body of the dead general, under a flag of truce, to General Rosecrans at Chattanooga.

With the exception named above, Mrs. Walthall, by the prudent foresight of her husband, was spared the inconveniences incident to being in the least danger of falling into the hands of the enemy. Yet, her experiences with the brigade—both in camp and on the march—might be expanded by the romancer into a volume full of picturesque and interesting incidents.

Mrs. Walthall, *nee* Mary L. Jones, was born and reared in Mecklinburg county, Va. As a young lady, she spent much of her time in the fashionable society of Washington City, and at the then famous summer resorts of that state; and whenever and wherever she made her appearance, she was recognized as a belle of the place and occasion.

In 1860 she was married to General Walthall, then a rising young lawyer at the Mississippi bar, and a most successful district attorney for the tenth judicial district in said state. She died at the home of her niece and adopted daughter, Mrs. John B. Ross, in Memphis, Tenn., December 11th, 1898, and was buried by the side of her illustrious husband, in the graveyard at Holly Springs, Mississippi.

I cannot gain my consent to close this imperfect "sketch" without making special, but brief mention of a few of my comrades. And while conscious of freedom from even seeming invidiousness, yet I feel embarrassed in singling out any of my comrades, when every man of the brigade, from the highest line officer to the youngest private, inspired by the presence of their brigade chief, discharged their every duty on all occasions.

There was Charles B. Howry, 1st lieutenant of company "A," 29th Mississippi regiment, Walthall's old regiment, now and continuously since the commencement of the second term of Cleveland's administration, an associate justice United States court of claims, Washington, D. C., as knightly a soldier as ever drew blade. In the bloody battle of Franklin, Tenn., he was dangerously wounded and had to be taken from the field. I refrain from giving free expression to my admiration for this gallant old comrade. He is my personal friend, and I rarely meet him that my heart does not go out to him in memory of our army comradeship. Lest I appear tedious in characterizing him, I will only add, that never a duty involving courage and bold enterprise confronted him that Charles B. Howry did not nobly undertake and gallantly surmount it.

His company ("A," 29th Mississippi) associate and lifelong friend, now the Rev. E. A. Smith, chaplain of Walthall's (U. C. V.) post bellum brigade, is a noble, self-sacrificing comrade and devoted to every interest of the brigade. Indeed, his soldierly, yea, Christian fellowship with each and every member of the "old command," induced him lately to place in pamphlet form a substantial, though necessarily imperfect "record of Walthall's brigade." He was, though quite young, a gallant soldier of "the lost cause," as was attested by the dangerous wound he received on the ensanguined field of Chickamauga. The ball which wounded him tore through his right lung, passed through his body, and injured him for life. God bless and preserve him to a ripe old age of usefulness.

Captain Thomas Spight, company "B," 34th Mississippi regiment, was another of those brave, chivalric comrades of the "old brigade," who lives to be honored by all who know him. He is now, and has been since his election for the unexpired term in the fifty-fifth congress, a member of that body in the "lower house," representing the 2d congressional district of Mississippi. He was the youngest captain in the brigade. He participated in nearly all the battles fought by the Army of Tennessee following that of Shiloh. He was severely wounded on the 22d of July, 1864, near Atlanta, Ga., but recovering, reported for duty with his company at the earliest practicable day, and was in command of the remnant of his regiment, when on April 26th, 1865, the Army of the Tennessee, under command of Gen. Joseph E. Johnston, surrendered at Greensboro, North Carolina. God spare this gallant soldier for a prolonged term of usefulness in the body he is now so ably representing.

And what can I, without feeling, say of my dear departed friend, comrade and associate on the brigade staff—first lieutenant George M. Govan? Indeed, nothing that I could write would appear extravagant to those who knew him. Not only have our families been intimately associated since the war of the 60's, but our mothers—both long since dead—were not only schoolmates, but class-mates, yea, closer—they were roommates at the then noted female college in Warrenton, North Carolina, presided over by ——— Mordecai, the Jewish scholar and instructor, and who later moved to and died in Mobile, Ala. In the days of the war, when George's mother with her family were refugees from their home in Holly Springs, and she a welcomed guest at the home of my mother, it was refreshing to hear the two old ladies talk of their schoolmate days—when as recognized by all they were maiden beauties, and admired for their intelligence. Yea! it was beautiful, indeed charming, to hear them address each other in their familiar way of old, as "Mary" and "Martha."

Reared in the same town—Holly Springs, Walthall and George were—as were their families—bosom friends from early boyhood. Not to be too explicit (but I know whereof I speak), they came near being brothers-in-law; and had they, the name of Miss Bettie Govan would have become only a cherished memory.

George was a military man from taste as shown by his fondness for commanding and drilling men even in the piping times of peace. During the Spanish-American war, he was appointed by Governor McLaurin, colonel of the 1st Mississippi regiment enlisted for that service, and his regiment was ordered to rendezvous at Chickamauga, near Chattanooga—the field where thirty-five years previous he had distinguished himself as an officer on the staff of the brilliant Walthall. It is painful to record that during his said duties he contracted a deep-seated cold, which soon after the declaration of peace—to-wit, on the 14th day of April, 1899, and whilst under treatment in New Orleans, terminated in death.

In 1876 he was elected and served as clerk of the Mississippi house of representatives; was a member of the house of representatives from Amite county during the legislative session of 1884, and from January 14th, 1886, to January 20th, 1896, was secretary of state of Mississippi.

Peace to your ashes, my gallant comrade and friend.

CONCLUSION

And now having, in an imperfect manner, recorded the brilliant achievements of the "old brigade," let me, in concluding, record a reflection as to the present and future duties of that gallant body of men and their associate soldiery of the Confederacy. Its true sentiment is embodied in the language of the patriotic and eloquent Bishop Charles B. Galloway of the Methodist Episcopal Church South, who has aptly said: "In some things, I believe in the 'policy of the sponge'. The highest spirituality has a genius for forgetting, as well as forgiving. We may cherish the love of principles, but the memories of passion and conflict ought to die forever. If the late honored President (McKinley), of this great nation, himself a gallant Federal soldier, who had braved the storm of war, and felt the wild shock of battle, could so magnanimously suggest that the government should tenderly care for the graves of the Confederate dead, surely we * * * as 'gallant Confederate soldiers,' ought not stir afresh the divine embers of strife. * * *" To which I will add that, really and in truth, when reduced to its final analysis it will be found that this needless crimination and recrimination among opposing soldiers of the civil war, is confined to a few military anachronisms, post-bellum and blatant heroes, whose "courage manifests itself in crowing after all danger has passed and the smoke of battle has cleared away."

APPENDIXES

Appendix A.

Notes to the Foregoing Sketch.

Note 1, p. 486: See Memoir of S. S. Prentiss, edited by his brother, vol. 2, pp. 71–113, where the speech in defense of Judge Wilkinson appears.

Note 2, p. 487: See Ib., vol. 1, pp. 265–316, where the speech in the "contested election case," appears.

Note 3, p. 498: See the report of Brigadier-General J. Patton Anderson, in Serial No. 29, p. 762, "War of the Rebellion."

Note 4, p. 502: See Brigadier-General H. R. Anderson's report, in Serial No. 6, p. 460, Ib.

Note 5, p. 522: See report of General J. Patton Anderson, referred to in Note 3; wherein the following mention of Colonel T. M. Jones appears on p. 764 in brackets thus: "(The evening before —referring to the battle of Murfreesboro— the colonel of the regiment, Colonel Thomas M. Jones, had gone to the rear complaining of being unwell, and had not returned during the action)." At the opening of the battle of Perryville, Ky. (October 8th, 1862), Colonel Jones as senior colonel, was in command of a brigade composed of his (27th Mississippi), and other Mississippi regiments. His conduct on that field is said to have been absolutely shameful. In fact, it was the common talk among the officers and men of his brigade, that when the firing became severe, he sought protection in a ditch, and left his brigade to take care of itself as best it could. And that when all danger had passed, he rejoined and resumed command of the brigade. This was the first and only instance of a Mississippi brigade being deserted by its commander under fire during the entire four years of war. But, be it said to the credit of Mississippi, Colonel Jones was not a Mississippian, nor was he elected by Mississippians to command them. Colonel Jones was a "West Pointer," and as such was presumed, until "his mettle was tried," that he would act the Mississippian in time of trial; but he did not, and hence his removal from command of Mississippians.

Note 6, p. 526: Though graduated from West Point, Liddell was an officer illy-fitted, by reason of undue excitability, to personally command troops in time of action. He resided in Arkansas, and at his own request made whilst the army was at Dalton, Ga., he was transferred to the Trans-Mississippi department. After which, Colonel Daniel C. Govan, senior colonel of Liddell's brigade, on February 5, 1864, to rank from December 29, 1863, was promoted Brigadier-General to command it. The latter was, in every respect, capable, and competent, indeed, proved himself one of the most superb brigade commanders in Hardee's corps; which is equivalent to saying, one of the best in the army. He is yet living in Memphis, Tenn. Liddell died in New Orleans, La., several years subsequent to the close of the war.

Note 7, p. 526: General Walker treated his staff officers with the utmost consideration and deferential courtesy. Looking upon himself as superior to the ordinary commander, his vanity was such as to prompt him to treat his staff, because of their personal association with him, as likewise superior to the ordinary subaltern. Though an irritable dyspeptic, he was brave as Julius Caesar. He was killed at the head of his division whilst bravely leading it into battle near Atlanta, Ga., on July 22d, 1864, and a fine monumental shaft, inclosed with an iron rail fence, marks the spot where he fell.

At the breaking out of the war, he was lieutenant-colonel in the United States Army, and resigned his commission to accept service in the army of his native (Ga.) state. He and Lieutenant-Colonel Hardee (W. H.), were appointed by Governor Joe Brown, colonels respectively, of the first two regiments raised in Georgia for the Civil War. He was frequently mentioned with favorable comment by General Winfield Scott in his reports of his campaigns in Mexico, 1847–8, and once characterized by him, "as the bravest of the brave."

Note 8, p. 529: See report of Brigadier-General Walthall, in Serial No. 51, pp. 271–276, "War of the Rebellion."

Note 9, p. 530: See Ibid, p. 275.

Note 10, p. 531: Ibid, pp. 277–287.

Note 11, p. 532: See charges and specifications set out in Serial No. 51, p. 310, "War of the Rebellion."

Note 12, p. 532: See correspondence covering charges and specifications appearing in Ibid, pp. 292–313.

Note 13, p. 533: See charges and specifications with explanatory correspondence appearing in Ibid, pp. 55–70.

Note 14, p. 533: See General Bragg's letter—Appendix "C" hereto—to the author of this "sketch," under date of February 8th, 1873, written with lead pencil on legal cap paper,—the original of which is on file in the archives of the "Southern Historical Society" at Richmond, Va. It was filed there with other letters of General Bragg to the author, and along with other valuable war papers, solicited by Rev. J. Wm. Jones, the then secretary of said society. A copy of said letter is filed as an appendix to this "sketch." Dr. Polk, of New York, a son and staff officer of the lamented general, a short while after the appearance in the "Southern Historical Society Papers" of the "Cursory Sketch of General Bragg's Campaign," contributed by the author, wrote for a copy of said letter. He was informed where the letter was, and given permission to write for, and obtain a copy thereof. Said letter appears *in extenso* on pp. 308 to 313, both inclusive, with comments of Doctor Polk on pp. 306–7, of his work on "Leonidas Polk"—Bishop and General, Vol. 2.

Note 15, p. 536: See General Bragg's letter, Appendix D.

Note 16, p. 537: General J. K. Jackson was an accomplished and highly educated gentleman, and of commanding personal appearance. He was a splendid officer in camps, but was deficient in the necessary element of a good commander in time of action. He died February 22, 1866.

Note 17, p. 537: And for which Boker received the doubtful honor of United States Minister to Turkey, during the administration of President Grant.

Note 18, p. 538: Major-General Stevenson was on top of Lookout Mountain with six (6) brigades at his disposal. See Bragg's report in Serial No. 55, p. 664, "War of the Rebellion." Though a West Pointer, and an officer (Major, I believe,) in the "old service" at the breaking out of the war, he never impressed me with possessing any superior military qualifications. Physically he was small of stature, unprepossessing in appearance, and as far as my observation extended, was correspondingly indifferent as a commander of troops in action. He died August 15, 1888.

Note 19, p. 539: Brigadier-General (now United States Senator from Alabama) E. W. Pettus, in a letter dated Selma, Ala., January 3d, 1888, addressed to General Walthall, United States Senator, Washington City, and attached to page 59, of the book containing the correspondence between General Walthall and Colonel Daniel R. Hundley, 31st Alabama Infantry, and which book has been placed by me in the department of archives and history, at Jackson, Mississippi. In the letter referred to, General Pettus applies to General J. K. Jackson, the name, or sobriquet—so familiar in the army—of *"Mudwall"* and which became his recognized pseudonym.

Note 20, p. 539: For General Walthall's report, see "War of the Rebellion," Serial No. 55, p. 692. For General Moore's report, see "War of the Rebellion," Serial No. 55, p. 704. For General Pettus' report, see "War of the Rebellion," Serial No. 55, p. 731.

Note 21, p. 539: Sale was the first captain of Company "K," 27th Mississippi regiment; later, he was detailed to serve as assistant judge advocate-general on the staff of General Bragg, commanding the Army of Tennessee; and still later at the time referred to, was a member of the "military court" for Hardee's corps; and yet later, and until the close of the war, was "military secretary" on the personal staff of General Bragg with headquarters at Richmond, whilst that general was acting in the capacity of "military advisor" to the president. Sale was a distinguished lawyer at the Aberdeen (Mississippi) bar, before and after the war—being the senior member of the firm of "Sale & Phelan." Colonel Sale died at his home in Aberdeen, Miss., January 24, 1876, whilst in the full vigor of a noble manhood.

General Bragg, referring to Colonel Sale in his letter to me of February 8th, 1873, writes: "He was the most reliable and valuable staff officer I had, and is remembered with affection and gratitude."

Note 22, p. 539: See letter of General Pettus referred to in the next two preceding notes.

Note 23, p. 540: A portion of Hardee's corps, at that time commanded by Major-General Cleburne, was far in advance on our extreme right, and steadily driving the enemy's left flank under the command of Sherman.

Note 24, p. 540: See "War of the Rebellion," Serial No. 55, p. 665. Though General Bragg was first impressed that the break in our lines occurred on the right of Anderson's division, he later became satisfied that it was General Alexander W. Reynolds brigade, just arrived from service in East Tennessee, which first gave way and could not be rallied. See General Bragg's letter to me; also, the correspondence between ex-Governor James D. Porter, of Tennessee, and myself (November, 1883) filed as appendix "B", to this sketch.

Note 25, p. 541: See, "War of the Rebellion," Serial No. 55, p. 697.

Note 26, p. 542: Same reference as next preceding.

Note 27, p. 543: Said letter is with my file of army papers Though the adjutant-general, the writer was not present for duty during the battles of Lookout Mt. and Missionary Ridge. At the time he was on "leave of absence," enjoying his "honeymoon" with his young, beautiful and accomplished bride, to whom, on the 16th day of the month (November), 1863, he was at Columbus, Miss., united in wedlock. During the author's absence on said leave, Lieutenant John C. Harrison was acting assistant adjutant-general of the brigade, and on duty as such.

Note 28, p. 545: Hon. B. H. Hill's address before the Georgia branch of the Southern Historical Society, at its meeting at Atlanta, February 18, 1874.

Note 29, p. 545: First, by resignation of General Bragg, and the temporary assignment of General Hardee, December 2d, 1863. Second, by the assignment of General Joseph E. Johnston to the command on December 27th, 1863. See, "War of the Rebellion," Serial No. 56, p. 873.

Note, 30, p. 561: See letter of Hon. B. H. Hill, of Georgia, written at Atlanta, October 12, 1878, and appearing in vol. 2, "Rise and Fall of Confederate States," pp. 557–561.

Note 31, p. 564: See "Advance and Retreat," by General John-B. Hood, pp. 89–95.

Note 32, p. 572: The application of General W. H. Jackson, commanding cavalry division, for my transfer to his staff as adjutant-general, hung fire for some days, and until I could secure for General Walthall the services of an officer that would be acceptable to him as his assistant adjutant-general. This I finally did in the person of Captain Wm. R. Barksdale, then adjutant-general of Featherstone's brigade.

Note 33, p. 578, 579: At the time and place of the official announcement of said consolidations, there were present Lieutenant-General S. D. Lee, commanding the corps, Major-General D. H. Hill, commanding the division, and the commanders of the several brigades concerned, viz.: Sharp's, Brantley's, Manigault's and Johnston's (Geo. D.). In making announcement of the consolidated regiments, brigades and brigade commanders as then arranged, General Lee stated that the consolidated regiments of Sharp's and Brantley's would constitute one brigade to be commanded by Brigadier-General Sharp.

At this announcement, Sharp exclaimed, "I have the finest brigade in the Confederate Army."

Proceeding, General Lee announced that Manigault's and Johnston's brigades would constitute one brigade to be commanded by Brigadier-General Brantley. During this time Brantley remained as dumb as an oyster, and appearing deeply mortified, General Lee said to him: "General Brantley! General Sharp has expressed himself, what say you?" I am not satisfied," replied General Brantley; and then proceeded to remind General Lee of his promise made him at Franklin. At which, Lee rejoined, "Do you hold me to that promise?" "I do," replied Brantley. Thereupon, General Lee said: "I will stand to my promise," and then proceeded to make and announce the necessary changes in the reorganization to that end. In doing so, the brigades of Sharp and Manigault were placed together under the command of Brigadier-General Sharp; and the brigades of Brantley and Johnston, placed together, under the command of Brigadier-General Brantley.

The consolidated regiments of Sharp's old brigade retained the number, 9th Mississippi, and was officered as follows: W. C. Richards, colonel; S. S. Calhoon, lieutenant-colonel; J. M. Hicks, major.

Note 34, p. 591: Mrs. DuBose resided in Washington, Ga., the home town of her distinguished father—General Robert Toombs—during the war. Her husband—Mr. Dudley M. DuBose—was then living and did not die until after the close of the war. Mrs. DuBose and Mrs. Walthall were intimates, and each a reigning belle in Washington City (D. C.) prior to their respective marriages.

Appendix B.

Correspondence Between Ex-Governor James D. Porter and Major E. T. Sykes.

See "Southern Historical Papers," Vol. 12, pages 45-48.

A Vindication of Tennessee Troops.

Major Sykes, of Columbus, has been furnishing a series of interesting articles on Bragg's campaign in Kentucky, Tennessee and Georgia to the Southern Historical papers. In the last of these he quoted a statement from General Bragg which was to the effect that he, Bragg, always believed the disaster at Mission Ridge was due to the giving way of a brigade of troops from East Tennessee. The statement attracted much attention and led to the correspondence which we publish below, and which we copy from the Nashville *American* of last week:

The following interesting correspondence has been handed the *American* for publication:

Nashville, Nov. 12, 1883.—Maj. E. T. Sykes—Dear Sir: In your sketch of General Bragg's campaigns, published in the November number of the Southern Historical papers, it is stated in note on page 496, in regard to the battle of Mission Ridge, that "Brig. Gen. Alexander W. Reynolds' brigade of East Tennesseeans were the first to give way and could not be rallied."

I claim some familiarity with the distribution of the troops from this State, and I am positive that there was not a Tennessean in Reynolds' brigade. Will you please furnish me with your authority for the statement referred to?

Very respectfully,

Jas. D. Porter.

Columbus, Miss., Nov. 14, 1883.—Gov. James D. Porter, Nashville, Tenn.—Dear Sir: Yours of the 12th inst. reached me today, and I hasten to reply, saying that my authority for the statement in the note on page 496, of the November number, 1883, of the Southern Historical Society Papers, that Brig. Gen. Alexander W. Reynolds' brigade of East Tennesseeans were the first to give way at Mission Ridge and could not be rallied, is the late General Bragg. In the preparation of the sketch, General Bragg furnished me many of his private papers, "preserved from the general wreck," and wrote me several letters in answer to certain questions at different times asked of him. The statement to which you called my attention was furnished in answer to one of these questions, but did not reach me until the sketch had been published in our city paper, the Columbus *Index,* then edited by our mutual friend General J. H. Sharp. I appended the statement and other information furnished me by General Bragg in the form of notes, intending at some future time to elaborate more at length, but on the visit here last winter of General George D. Johnston, agent of the Southern Historical Papers, he heard of the papers in my possession and asked to read them, and then made the request that I furnish them to the society at Richmond. In the following (last) February I received from Rev. J. William Jones, secretary of the society, a very urgent letter requesting copies of my papers. Not having the time to make copies, I sent him the original papers by express on the 13th of February, last, and heard no more from them until I saw the first installment of the "sketch" published in the "Papers."

The original autograph letter of General Bragg, dated February 8, 1873, containing the statement of which you complain, is quite lengthy and written entirely with pencil, and, along with the other letters, is in the possession of the Southern Historical Society, where you can, I presume, by writing to the Secretary, obtain a copy. It was in a good state of preservation when forwarded by me.

In his report of the battle of Mission Ridge you will observe that General Bragg charges Anderson's division with first giving way and permitting the enemy to pierce our center; but you can see by reading the letter of February 8, 1873, a copy of which is now before me, he makes the following unqualified declaration:

"I have always believed our disasters at Mission Ridge were due immediately to misconduct of a brigade of Buckner's troops from East Tennessee, commanded by Brig. Gen. Alex. W. Reynolds, which first gave way and could not be rallied."

You will find in said letter many startling revelations which I would not, for obvious reasons, allude to in the "sketch."

So far as I personally know, this brigade may or may not have been composed of Tennesseeans. It may not have had a single Tennessee regiment, or company, in it. I only state what was given to me as a fact by one who was presumed to know. I trust that you will consider me as desiring only to chronicle the truths of history as furnished by what I considered the most reliable source of information, and certainly the general of the army should be presumed to be the best repository of all important information touching the army under his command. At least I feel that you will relieve me of any motive or disposition to misstate important facts, when it is seen that the statements I make are backed by the authority of the general commanding. I wished only to speak of the facts as they were represented to me, "nothing extenuate, or set down aught in malice."

Very respectfully,

E. T. SYKES.

NASHVILLE, Nov. 20, 1883.—Maj. E. T. Sykes—Dear Sir: I enclose a communication from General M. J. Wright, of the war records office, Washington, D. C., in which he gives the organization of Reynolds' brigade from the records of the Confederate States war department. You will see from this that there were no Tennessee troops in Reynolds' brigade. I also enclose a letter from General Frank Cheatham to the same effect, and to-day I was informed by ex-Governor John C. Brown that he had personal knowledge of the fact that Reynolds' brigade was formed of regiments from North Carolina, and Virginia. My own opinion is that Reynolds' brigade was in no wise responsible for the disaster at Mission Ridge; but you will understand that my object just now is to ask you to examine the evidence I furnish and to make the correction due to Tennessee.

Very respectfully,

JAS. D. PORTER.

COLUMBUS, MISS., Nov. 22. 1883.—Governor James D. Porter, Nashville, Tenn.—Dear Sir: Your letter of the 20th inst., with inclosures, reached me to-day, and as requested therein, I hasten to reply. From your statement, fully indorsed and supported by the statements of Generals Cheatham and Wright and ex-Governor John C. Brown, all of whom commanded Tennessee troops under General Bragg, I am convinced that there was no Tennessee organization in the brigade of General Alexander W. Reynolds during the Mission Ridge fight, or at any time. The evidence furnished by you and them make it certain that Reynolds' brigade was composed of the fifty-fourth and sixty-third Virginia, fifty-eighth and sixtieth North Carolina infantry regiments; hence, the statement in the note on page 496, of the November number, 1883, of the Southern Historical Society Papers, that "Brig. Gen. Alexander W. Reynolds' brigade of East

Tennesseeans were the first to give way and could not be rallied," does injustice to the gallant troops from your State.

The authority for the statement in the note referred to is given in my letter to you of the 14th inst., which in justice to us both should be published along with this. It may be that General Bragg intended to convey the idea that Reynolds' brigade had just been serving in East Tennessee under Buckner, and had recently joined him; but I submit that his language, quoted in mine of the 14th instant, conveys the impression that was made use of by me.

Not wishing to do injustice, or be guilty of a seeming wrong to any one, I take pleasure in authorizing you to make such use of our correspondence as will put the question in its true light.

Yours truly,

E. T. SYKES.

Copies of communications referred to in foregoing letter of Governor Porter, of November 20th, 1883.

WAR DEPARTMENT,
Publication Office, War Records, 1861–65.
WASHINGTON, Nov. 14, 1883.

GOV. JAS. D. PORTER,

Dear Governor: Your letter received. I send memo' of composition of Reynolds' brigade. He never had a Tennessee organization in his command.

The one marked ## is his last command at Missionary Ridge, I think. I am sure, however, he never had any Tennessee troops. If you want anything more, let me know.

Your friend,

(Sg) MARCUS J. WRIGHT.

Memo: A. W. Reynolds' Brigade composed of,
54 & 63d Virginia Regts Infantry,
58th & 60th North Carolina Regt's Infantry, Stevenson's brigade (division.)
Afterwards composed of,
##58th North Carolina.
60th North Carolina.
54th Virginia.
63d Virginia.
Darden's Battery; Jeffres' Battery; Kolb's Battery, Buckner's Division.

Buck Grove, Nov. 16th, (1883.)

I suppose you mean Missionary Ridge. There were no Tennessee troops in Reynolds' Brigade. You are right, it was Dea's Brigade that broke first. Vaughn's Brigade was in General Patton Anderson's Division and was on his right, and joined my left. I will possibly be down Sunday or Monday, and will call and see you.

(Sg) B. F. C.

APPENDIX C.

Letter from Major E. T. Sykes to General Bragg.

COLUMBUS, Miss., January 25th, 1873.

GENERAL BRAXTON BRAGG,
Mobile, Ala.

Dear Sir: At the solicitation of some of your numerous friends and admirers here, I am preparing a cursory sketch of yourself and campaigns, for publication in our tri-weekly city paper, "The Columbus *Index.*" I have hastily followed you from the beginning of your service—commencing at Pensacola, sketched your participation in the battle of Shiloh, the Kentucky campaign, the battle of Murfreesboro, etc., and have now reached the point where I wish to describe the battles of Chickamauga, and Mission Ridge, before concluding the sketch. To do this satisfactorily, it is necessary that I be enlightened on two or three points, and as I wish accuracy to characterize my narrative, I will presume to ask of you the wished for information at the disagreeable hazard of being considered impertinent.

1st. Did not General Polk delay moving on the morning of the second day at Chickamauga an hour or more after the appointed time, although the order for his movement was issued the night previous, thereby jeopardizing your plans, and for that reason was subsequently placed in arrest?

2nd. What Federal command was it that General Hindman was ordered to cut off in McLemore's Cove near Lafayette, Ga., a few days preceding the battle of Chickamauga? And did Hindman have more than his own division? And was he not suspended from command for his failure? Would not his success on that occasion have given you great advantage over the remainder of the enemy?

3rd. Was not General D. H. Hill's critical, captious and dictatorial manner one of the prime causes of the failure of the army to defeat General Grant at Mission Ridge? Or, was it as reported by you to the department at Richmond, in substance, attributable to the unaccountable and inexplicable conduct of a portion of our troops? And if attributable to the latter, what troops?

I would be glad, dear General, to have an early response to these inquiries—if deemed prudent by you to furnish them—in order that I may complete the pleasant task before me.

The narrative is being published by installments—the weekly which I will send you, to contain a consolidation of the tri-weekly installments. I will continue to send you the papers until the "sketch," for which I claim some merit for a fair recital of facts, etc., although necessarily imperfect, is completed. I am whom you once knew, but have now most probably forgotten, the assistant adjutant general on the staff of the gallant Walthall.

With sentiments of the highest esteem, I am one of your old officers and admirers,

(Sg) E. T. Sykes.

P. S.—I occasionally see our mutual friend, and my relative, Col. John B. Sale, and frequently hear from him by letter or through friends. He is in perfect health and doing, as always, a large and lucrative practice. The last time I was in Aberdeen, I took tea at his home and saw his little pet, "Braxton Bragg." He is in every sense worthy of the name, and I know that you would, could you see him, feel proud of your namesake.

Appendix D.

Letter from General Bragg to Major E. T. Sykes.

Mobile, 8th February, '73.

Major E. T. Sykes,
Columbus, Miss.

My dear Sir: I received yours of the 25th. ult. and not only comply with your request cheerfully but thank you for the opportunity.

It is due to the gallant army of which you were a member, that its history should not be left entirely to the ignorant and the prejudiced; and I rejoice to see so worthy a soldier—a representative young man, who cannot be suspected of partiality, coming to the task. It will afford me pleasure to aid you, not only with facts within my knowledge, but with documentary evidence, of which I have a large quantity, preserved from the general wreck.

I reply to your questions.

1st. "Did not General Polk delay moving on the morning of the second day at Chickamauga an hour or more after the appointed time, although the order for his movement was issued the night previous, thereby jopardizing your plans, and for that reason was subsequently place in arrest?"

This question is best answered by my official report—and I send you by this day's mail a written copy, which I must beg you to preserve and return, as it is invaluable to me. In addition to what is there said, I can now add—that the staff officer sent to General Polk, Major Lee, assistant adjutant general, to urge his compliance with orders of the previous night, reported to me that he found him at a farm house three miles from the line of his troops, about one hour after sunrise, sitting on the gallery, reading a newspaper, and waiting as he (the general) said, for his breakfast. It was nine o'clock before I got him into position, and about ten before the attack was made. *Five precious hours* —in which our independence might have been won.

As soon as time would allow, General Polk was called on for an explanation. The order given him the night before in the presence of several generals was plain and emphatic, and before he left me he was asked if he fully understood the order and replied in the affirmative. His explanation in writing, was entirely unsatisfactory, as it placed the responsibility on a subordinate—Lieutenant General Hill—when he (General Polk) was himself absent from the field. and had not even attempted to execute his orders, nor informed me of their having been disobeyed. Breckenridge and Cheatham say in their reports, Polk told them during the night he had orders to attack at day light. I have the correspondence, but cannot now lay my hands on it.

2nd question. As to Hindman and McLemore's Cove. My report gives a full answer to this question, but not a complete history of the whole affair, as it was too bad to put before the country. General Hill having failed, in a querrulous, insubordinate spirit, to send Cleburn's division to join Hindman, on the pretext that Cleburn was sick, I ordered Buckner with his division to the duty, and went myself to Hill's headquarters, riding half the night. There I found Cleburn, who expressed surprise that Hill should have reported him sick, and he moved with his division next morning.

After Buckner joined Hindman, it will be seen, the latter became doubtful and dilatory, and finally asked a change of orders. This produced loss of valuable time—and common sense teaches the importance in every moment of striking at a divided enemy. I was so greatly vexed that my deportment towards General Hill and Major Nocquet during the conference was observed by my staff and intimation given me of some harshness.

Every effort failed, however, and the correspondence and late letters from Patton Anderson, as noble and true a soldier and gentleman as any age can boast, and General W. T. Martin, will show the cause.

3rd question. As to General D. H. Hill's critical, captious and dictatorial manner, etc., etc.

This manner of Hill, and his general deportment united to the fact, *which came to my knowledge after Polk's suspension from command*, that Polk did order two of his division commanders, in writing, soon after sun-rise to attack, and that Hill, being present in person countermanded the order, without notifying either Polk or myself, induced me to ask his suspension from command. And he was removed by the President *before* the battle of Missionary Ridge. He had, however, greatly demoralized the troops he commanded, and sacrificed thousands at Chickamauga.

See Report of Major General W. H. T. Walker.

I have always believed our disasters at Missionary Ridge were due immediately to misconduct of a brigade of Buckner's troops from East Tennessee, commanded by Brigadier General Alex. W. Reynolds which first gave way and could not be rallied. But the other troops would have saved the day and repaired the small disaster, but for the effect which had been produced by the treasonable act of Longstreet, Hill and Buckner in sacrificing the army in their effort to degrade and remove me for personal ends. Had I known at the time Polk and Hindman were suspended, of the conduct of Hill, especially of his suspending Polk's orders to attack at Chickamauga; and of Buckner's influencing Hindman to disobey me in McLemore's Cove, and of his mutinous conduct in getting up meetings in the army to ask my removal, I certainly should have arrested both of them. Still, I am satisfied no good could have resulted. Our country was not prepared to sustain a military commander who acted on military principles, and no man could do his duty and sustain himself against the combined power of imbeciles, traitors, rogues and intriguing politicians.

Longstreet's disobedience of orders enabled the enemy under

Hooker from Virginia, to pass Lookout Mountain, and join Grant in Chattanooga. That was the first step in our disaster, after the army had been practically purged. Thus I yielded my convictions to the President's policy and sent Longstreet instead of Breckinridge (my choice) to capture Burnside at Knoxville. This could have been long before Sherman reached Grant with his twenty-five thousand (25,000) men, by due diligence, and my information was perfect and daily. Had it been done, and those fifteen thousand (15,000) troops been returned and in place at Missionary Ridge, Grant would not have attacked us, and if he had, would certainly have been defeated unless aided by *treason.* Indeed, he *must* have recrossed the mountains, for his troops could not be fed, and the animals were already starved. He could not move twenty (20) pieces of artillery. No man* was ever under greater obligations to a traitor;† no traitor has ever been more faithfully rewarded.

* * * * * * * *

In our retreat from Missionary Ridge the enemy could make but feeble pursuit for want of artillery horses. (Grant's report.)

At the Mountain gorge, near Ringgold, I believed he could be successfully repulsed; and the army quietly withdrawn. General Cleburn, one of the best and truest officers in our cause, was placed at that point in command of the rear guard. Late at night, hours after all the army was at rest, my information being all in, I called for a reliable, confidential staff officer, and gave him verbal directions to ride immediately to Cleburn, about three (3) miles in my rear, at this mountain gorge, *and give him my positive orders to hold his position up to a named hour the next day,* and, if attacked, to defend the pass at every hazard. The message was delivered at Cleburn's camp fire. He heard it with surprise and expressed his apprehension that it would result in the loss of his command, as his information differed from mine, and he believed the enemy would turn his position and cut him off. "But," said he, true soldier as he was, "I always obey orders, and only ask as protection in case of disaster, that you put the order in writing." This was done as soon as material could be found, and the staff officer returned and reported the result of his mission. He had not reached me, however, before the attack *in front,* as I expected, was made. Cleburn gallantly met it, defeated the enemy under Hooker, drove him back, and then quietly followed the army without further molestation. Mark the difference—in conduct and results. A good soldier, by obedience, without substituting his own crude notions, defeats the enemy and saves an army from disaster. And mark the credit he gets for it. The Confederate congress passed a vote of thanks to the gallant Cleburn and his command for saving Bragg's army. Not to this day has it ever been known that he did it in obedience to orders and against his judgment, which does not detract from, but adds to his fame.

---

* Grant.

† Longstreet. Note by E. T. S.: This must refer to General Longstreet's *post bellum* political views and rewards.

Captain Samuel A. Harris, assistant adjutant general, of Montgomery, Ala., was the officer who delivered the order. He is now an Episcopal clergyman with the largest congregation in New Orleans, and has recently repeated the whole matter to me as distinctly as if it had occurred yesterday.

I would add much more, but should exhaust your patience. *Whiskey* was a great element in our disasters. In the battle of Murfreesboro, ——— was so drunk on the field all the first day, that a staff officer had to hold him on his horse. After the army reached Tullahoma, I directed General Polk, his corps commander, to notify him that I knew of his conduct, and only overlooked it in consideration of other meritorious services. Polk reported to me that he had done so; that ——— acknowledged the charge, expressed deep contrition and pledged himself never to repeat the offence.

Imagine my surprise at reading General Polk's report of that battle some weeks after, to find that he commended ——— conduct on that field above all others in his corps.

At Missionary Ridge, ———, as gallant and true a man as ever lived, was overcome in the same way whilst in the active command of a corps, and was really unfit for duty, one of the many causes of our disaster. At night he came into my office, a little depot hut at Chickamauga station, where I sat up all night giving orders, soon sank down on the floor, *dead drunk*, and was so in the morning. I sent for the commander of the rear guard, Brigadier General Guist of South Carolina, and told him not to leave General ——— and, if necessary, to put him in a wagon and haul him off, but, under no circumstances to allow him to give an order. At Dalton, I relieved General ——— of his command and he acknowledged the justice of it, but said it was the deepest mortification of his life. In France or Germany either of the men I have named, would have been shot in *six hours*. With us they pass for great heroes.

I enclose you some papers for reference, and regret that you are not with me, as a mine of worth would be opened to you, which I cannot light up, though I often explore it in the dark recess of my closet.

Could some young man, like yourself, spare the time, a valuable book could be made up in a few months, and I should delight to aid in the labor.

I am delighted to hear my friend Sale is doing well. He was the most reliable and valuable staff officer I had, and is remembered with affection and gratitude, and I hope my young soldiers in Mississippi will cherish his boy, whose fate it is—it may be his misfortune—to bear my name.

I shall ever be pleased to hear from you, and hope you will not fail to recall me to Colonel and Mrs. Sale, and the bright boy when you see them. And if you ever meet your noble chief, Walthall, give him my love.

In the midst of other business, rather than keep you waiting longer I conclude to send this without waiting to copy. Please continue to send me the paper, as your numbers appear.

Very truly your friend,
(Sg) BRAXTON BRAGG.

NOTE McLEMORE'S COVE.

The enemy consisted of one division and one brigade of Thomas' corps about eight thousand (8,000) men. Hindman's force was composed of his own and Buckner's division, ten thousand nine hundred twenty-two (10,922) men, and Martin's cavalry about five hundred (500), besides a force of two divisions, Cleburn's and Walker's—at least eight thousand (8,000) more immediately in the enemy's front with orders to attack as soon as Hindman's guns were heard in the flank and rear.

APPENDIX E.

Letter from Major E. T. Sykes to General Bragg, Acknowledging War Papers.

COLUMBUS, Miss., February 19, 1873.

GENERAL BRAXTON BRAGG,
Mobile, Ala.

Dear Sir: Your very kind and most valuable letter of the 8th inst., with accompanying official documents, came duly to hand by this morning's mail, for which I sincerely thank you. You do indeed furnish me with more than I had expected, or "even dreamed of." I am astonished at some of the developments, although from what I had unofficially heard in the army, and had seen with my own eyes, I was prepared to hear a great deal.

I now regret that I had finished my "sketch" before the receipt of the valuable information furnished by you, and which dissipates the cloud, and makes clear much that has to me and others, been heretofore strange and mysterious. But I am determined to rectify the inaccuracies appearing in my former writings, and either as a supplement thereto, or by rewriting the whole, furnish it for publication in some of our prominent Southern Magazines—most probably the one published in Baltimore, Md., in which General Dabney H. Maury, not long since had published his report of the battle of Corinth. Would you make a suggestion as to the periodical? I cannot, however, on account of pressing legal business, do this for a month or so; in the meantime I have to visit Mobile on business, and will make it my business, as well as pleasure, to call on you and obtain such additional data as we may mutually deem advisable for publication in furtherance and elucidation of my general design.

I am daily receiving letters from one or another of my old army friends and acquaintances, thanking me for my contributions to the history of that portion of the army with which we were connected, and you commanded.

I will endeavor tonight or tomorrow, at least soon, to abstract the documents you sent me, and will immediately thereafter, return the originals to you by express. In the meantime, I will converse freely with my friends, who like myself feel an interest in you—always observing, however, your injunction, to use your "facts, but not your comments."

Very truly your friend and admirer,

E. T. Sykes.

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